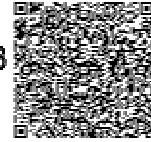


2025:PHHC:098733-DB

LPA-3132-2024 (O&M)
Date of Decision: 02.08.2025

Ravinder Kumar

...Appellant

Vs.

State of Haryana and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Surinder Kumar Daaria, Advocate for the appellant.

ASHWANI KUMAR MISHRA, J. (Oral)

1. The present appeal has been filed assailing the judgment of the learned Single Bench dated 11.07.2024, whereby the writ petition filed by the appellant has been dismissed.

2. The appellant suppressed the material regarding his implication in a criminal case. He was subsequently convicted for offence under Sections 323, 326 read with Section 34 of the IPC. However, in appeal filed by the appellant, the judgment of conviction was set aside and the matter was remitted back for fresh trial. Such trial is pending. It is on this basis that the appointment offered to the appellant has been cancelled on account of suppression of material facts.

3. In paragraph 30 of *Avtar Singh Vs. Union of India and Ors.*, **2016 SCC Online SC 726**, the three Judge Bench of Hon'ble the Supreme Court has summarized various principles to evaluate the suitability of a candidate for appointment. Paragraph 30 is reproduced hereunder:-

“30. We have noticed various decisions and tried to explain and reconcile them as far as possible. In view of aforesaid discussion, we summarize our conclusion thus:

(1) Information given to the employer by a candidate as to conviction, acquittal or arrest, or pendency of a criminal case, whether before or after entering into service must be true and there should be no suppression or false mention of required information.

(2) While passing order of termination of services or cancellation of candidature for giving false information, the employer may take notice of special circumstances of the case, if any, while giving such information.

(3) The employer shall take into consideration the Government orders/instructions/rules, applicable to the employee, at the time of taking the decision.

(4) In case there is suppression or false information of involvement in a criminal case where conviction or acquittal had already been recorded before filling of the application/verification form and such fact later comes to knowledge of employer, any of the following recourse appropriate to the case may be adopted : -

(a) In a case trivial in nature in which conviction had been recorded, such as shouting slogans at young age or for a petty offence which if disclosed would not have rendered an incumbent unfit for post in question, the employer may, in its discretion, ignore such suppression of fact or false information by condoning the lapse.

(b) Where conviction has been recorded in case which is not trivial in nature, employer may cancel candidature or terminate services of the employee.

(c) If acquittal had already been recorded in a case involving moral turpitude or offence of heinous/serious nature, on technical ground and it is not a case of clean acquittal, or benefit of reasonable doubt has been given, the employer may consider all relevant facts available as to antecedents, and may take appropriate decision as to the continuance of the employee.

(5) In a case where the employee has made declaration truthfully of a concluded criminal case, the employer still has the right to consider

antecedents, and cannot be compelled to appoint the candidate.

(6) In case when fact has been truthfully declared in character verification form regarding pendency of a criminal case of trivial nature, employer, in facts and circumstances of the case, in its discretion may appoint the candidate subject to decision of such case.

(7) In a case of deliberate suppression of fact with respect to multiple pending cases such false information by itself will assume significance and an employer may pass appropriate order cancelling candidature or terminating services as appointment of a person against whom multiple criminal cases were pending may not be proper.

(8) If criminal case was pending but not known to the candidate at the time of filling the form, still it may have adverse impact and the appointing authority would take decision after considering the seriousness of the crime.

(9) In case the employee is confirmed in service, holding Departmental enquiry would be necessary before passing order of termination/removal or dismissal on the ground of suppression or submitting false information in verification form.

(10) For determining suppression or false information attestation/verification form has to be specific, not vague. Only such information which was required to be specifically mentioned has to be disclosed. If information not asked for but is relevant comes to knowledge of the employer the same can be considered in an objective manner while addressing the question of fitness. However, in such cases action cannot be taken on basis of suppression or submitting false information as to a fact which was not even asked for.

(11) Before a person is held guilty of suppressio veri or suggestio falsi, knowledge of the fact must be attributable to him.”

4. It is undisputed that the appellant has concealed the fact of his implication in a criminal case. Although the trial has been directed to be conducted afresh but considering the admitted aspect of suppression of material facts as also pendency of trial, we are not persuaded to interfere with the judgment of the learned Single Bench. The implication of appellant is otherwise under Section 326 IPC which is regarding voluntary causing of

grievous hurt. The right of the employer to consider suitability of a candidate for appointment is a valuable right which cannot be interfered with lightly unless the decision of the employer is shown to be wholly arbitrary or *mala fide*, it would not require any interference by this Court in writ jurisdiction. The fact that appellant suppressed the pendency of a criminal case is not disputed. The criminal case is not regarding of an offence of a trivial nature. In such circumstances, when the proceedings are yet to be concluded before the criminal Court, pursuant to order of remand passed in the matter, it cannot be said that the exercise of jurisdiction by the employer in judging the suitability, merits any interference. The learned Single Bench has relied upon the judgment in **A.P. Public School Service Commission vs. Koneti Venkatswalu 2005 (7) SCC 117** and **Nidhi Kaushik vs. Union of India 2013 (12) SCT 159**.

5. In that view of the matter, we do not find any occasion to interfere with the judgment passed by the learned Single Bench. Consequently, the appeal fails and is dismissed accordingly.

6. All pending misc. application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(KULDEEP TIWARI)
JUDGE

02.08.2025

rajesh

1. Whether speaking/reasoned?	:	Yes/No
2. Whether reportable?	:	Yes/No