



2025:DHC:5693-DB



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 15.07.2025

+ W.P.(C) 8314/2025

COMMISSIONER OF POLICE & ANR.Petitioner

Through: Mr. Premtosh K. Mishra, CGSC
with Mr. Sarthak Anand & Mr.
Prarabdh Tiwari, Advs. for
P1&2.

versus

AMIT

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (Oral)

CM APPL. 36139/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 8314/2025 & CM APPL. 36138/2025 (Stay)

2. This petition has been filed by the petitioner, challenging the Order dated 20.12.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the, 'Tribunal') in O.A No. 4375 of 2015, titled ***Amit v. Commissioner of Police & Anr.*** (hereinafter referred to as the, 'OA'), allowing the said O.A. filed by the respondent herein with the following direction:

"29. Respondents were required to consider all relevant facts. We find they have failed to do so. Hence in view of the above discussion and in the light of the decision of the Hon'ble High Court of Delhi, the impugned orders are quashed and set aside. Respondents are directed to grant appointment to the applicant as Constable (Exe.) w.e.f. the date when others



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who had participated in the examination and succeeded were granted appointment. The applicant shall not be entitled to back wages but shall be entitled to all other benefits, including notional fixation of pay from the date when others, who had participated with the applicant and had been appointed as Constable (Exe.), joined the service. The aforesaid action be completed within three months of the date of receipt of the certified copy of this order.”

3. Briefly stated, the respondent had applied for the post of Constable (Exe.) in the Delhi Police pursuant to the recruitment process initiated by the petitioners in 2011. He was declared successful in the same. In his attestation form, he had disclosed that an FIR No. 49/2013 dated 14.05.2014 under Section 148/149/323/325 of the Indian Penal Code, 1860 (IPC), Police Station Tigaon, Faridabad, had been registered against him. He further disclosed that he had been acquitted in the said case *vide* Order dated 18.10.2014.

4. The petitioners, however, issued a Show Cause Notice dated 10.09.2015, calling upon the respondent to show cause as to why his candidature for the post of Constable (Exe.) (Male) in the Delhi Police should not be cancelled in view of the observations made by the Screening Committee.

5. The respondent replied to the said show cause notice; however, by an Order dated 02.11.2015, the candidature of the respondent was cancelled, observing therein that his acquittal was on technical grounds, that is, due to the witnesses turning hostile, and the same was not an honourable acquittal.



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6. Aggrieved by the same, the respondent challenged the said order before the learned Tribunal by filing the above O.A.

7. The learned Tribunal, after hearing the learned counsels for the parties, observed as under:

“20. It is an admitted fact that the matter of involvement of the applicant in the criminal case was not concealed. Moreover, the FIR also was registered after the applicant had applied for the said Post, when the recruitment process was going on. The Screening Committee is supposed to have examined the FIR, the statement of witnesses, the final report and the record of the Trial Court. However, the Screening Committee/the respondents have based their decision merely on the investigation/chargesheet. During trial, the witnesses did not support the prosecution's story. Thus, it was proved that the applicant had been falsely involved in the case. The Screening Committee and the Competent Authority have held the involvement of the applicant indicative of the applicant's non-suitability for the job. This was a case where the applicant was not even named in the FIR, this fact coupled with the fact that the witnesses did not recognize him, should have gone in favour of the applicant. How the respondents considered these facts to the negative of the applicant is not understandable.

21. Upon consideration of the judgment of the Hon'ble Trial Court, the respondents have stated that the acquittal is on technical grounds as such it is not a clean acquittal. The statement of the material witness that the applicant is not the person who was involved in beating the complainant has been read and understood to be a statement of a hostile witness. The respondents have not considered



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that it could be a case where the applicant may not have been involved, since he was never named by the complainant in the FIR itself. For some reason, the respondents have not questioned the investigation carried out by Haryana Police which resulted in a charge sheet. Whether the police collected any corroborating evidence, if any, with 161 CrPC statement, to charge the applicant has not been considered at all.

22. The respondents in their Show Cause Notice also have said that it is their policy that candidates against whom a charge-sheet in any criminal case filed in the court and the charges are like a serious offence, even though he may be later acquitted, will generally not be considered suitable for government service. This is an admission on the part of the respondents that due consideration to the individual facts of each case especially in the case of the applicant has not been given, rather in the most casual and generalized manner, the Show Cause Notice was confirmed.”

8. The learned counsel for the petitioner submits that the learned Tribunal has failed to appreciate that in the present case, the respondent had not been acquitted honourably but due to the witnesses turning hostile.

9. He further submits that the Supreme Court in ***Commissioner of Police, New Delhi & Anr. v. Mehar Singh***, (2013) 7 SCC 685, upheld the Standing Order No. 398/2010 of the Delhi Police, and has held that the Screening Committee has the discretion to take an appropriate decision in cases where a candidate is involved in criminal proceedings even though the same had been disclosed in the



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attestation form.

10. He submits that there was no allegation of *mala fide* against the Screening Committee. The Screening Committee duly scrutinised the entire record and gave a reasoned order finding the respondent 'unfit' for appointment to the Delhi Police. He submits that, therefore, the learned Tribunal has erred in interfering with the decision of the Screening Committee.

11. We have considered the submissions made by the learned counsel for the petitioners; however, we find no merit in the same.

12. In the present case, the FIR had been registered on the allegation of the complainant that he was involved in a property dispute with one Sh. Ved Prakash. He further stated that when he, along with his cousin, was going to his village Fattu Pura on a tractor trolley, three persons, namely, Sandeep, Rohit, and Harinder, accosted them on a motorcycle. He made a specific allegation that it was Sandeep who attacked him on the left leg with an iron rod. When Vinod tried to get him released, all three boys assaulted Vinod also with iron rods, because of which he sustained injuries on his right knee, left hand, and the left side of his body. Thereafter, he makes a vague allegation that two or three more boys came there and also had beaten him with *dandas* and fists. He stated that he does not know the names of those boys but can identify them. However, during the trial, he stated that the boys, including the respondent who was facing trial, were not the ones who had assaulted him. Even PW-2 and PW-3 did not support the prosecution's version in the trial.



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13. From the reading of the above, it was clear that the respondent was not the main accused. He was not even the person named in the FIR.

14. Keeping all the above factors in mind, the finding of the learned Tribunal that the respondent could not have been denied Government employment solely on the basis of such a vague FIR, cannot be interfered with.

15. For the reasons stated hereinabove, we find no merit in the present petition. The same, along with all pending applications, stands dismissed.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

JULY 15, 2025/pr/kj/DG