

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10060 of 2024

Manoj Kumar Prasad son of Nakul Prasad, resident of Mohalla- Maulabagh,
Near S.B. College, North Gate, Tar Bagan, P.S.- Ara Nawada, District-
Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Homes,
Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Homes, Government of
Bihar, Patna.
3. The Director General of Police, Government of Bihar, Sardar Patel Bhawan,
Nehru Path, Patna.
4. The Deputy Inspector General of Police (Personnel and Administrative)
Bihar, Patna.
5. The Bihar Staff Selection Commission, Patna.
6. The Chairman, Bihar Staff Selection Commission, Patna.
7. The Secretary, Bihar Staff Selection Commission, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Subodh Kumar Jha, Advocate Mr. Pranav Kumar Jha, Advocate
For the State	:	Mr. Kumar Pankaj (AC to SC-5)
For the BSSC	:	Mr. Satyam Shivam Sundaram, Advocate Mr. Aman Kr. Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 16-02-2026

Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the Bihar Staff
Selection Commission.

2. The present writ application has been filed for
issuance of an appropriate writ/writs and order/orders in the
nature of certiorari for quashing of the order contained in Memo
No.P-2/07-02-27-2019-Part-22/858 dated 02.06.2020
(Annexure-P/6) issued under the signature of Deputy Inspector



General of Police (Personnel and Administrative), Bihar, Patna (Respondent no.4), by which the application submitted by the petitioner for appointment on the post of Sub-Inspector in view of the recommendation made by the Bihar Staff Selection Commission, Patna/Respondent no.6 has been rejected. Further for quashing of the order contained in Memo No. 858/401926/P-2 dated 18.12.2018 (Annexure-P/5) issued under the signature of Inspector General of Police (Headquarter), Bihar, Patna, by which the representation filed by the petitioner for his appointment on the post of Sub-Inspector has been rejected. Further, in the nature of mandamus for directing and commanding the respondents particularly the respondent nos.3 & 4 to appoint the petitioner on the post of Sub-Inspector in pursuance to the recommendation made by the Bihar Staff Selection Commission, Patna against the Advertisement No. 704 of 2004. Further, for a direction upon the respondents to give the petitioner all legal consequential and financial benefits against the said appointment treating the appointment of the petitioner in the same transaction in which the person below in panel have been appointed by the Respondent authority for the ends of justice and equity and further for any other relief or reliefs for which the petitioner is entitled in the facts and circumstances of



this case.

3. Learned counsel for the petitioner submits that the petitioner being a Graduate, applied for the post of Sub-Inspector of Police in pursuance to the Advertisement No. 704 of 2004 published by the respondent authorities against the Scheduled Caste category. Counsel submits that the petitioner appeared in the physical test and passed the said test. Then, the petitioner appeared in the written test and he also completed the same and accordingly, the name of petitioner was recommended by the Bihar Staff Selection Commission, Patna for his appointment on the post of Sub-Inspector of Police in pursuance to the said Advertisement No. 704 of 2004. Counsel further submits that after the final recommendation made by the Commission, the office of respondent no.2 issued an advertisement to appear for medical test and character verification and for that, candidate was required to appear before the Regional Deputy Inspector General of Police on 07.07.2008 at 10 A.M. Counsel submits that since, the petitioner belongs to the district of Bhojpur, therefore, he appeared before the Regional Deputy Inspector General of Police on 07.07.2008. Counsel submits that the petitioner was given a verification form and in the said verification form, he has put the cross mark



in front of Clause-7 which was regarding criminal and civil cases as to whether the applicant had ever been an accused in a criminal or civil case or ever served imprisonment? Counsel submits that the petitioner innocently put the cross mark in the said clause-7 of the verification form. Counsel submits that during the character verification, a report was called for from the office of Superintendent of Police, Ara who submitted the report giving information about the pending cases against the petitioner in Nawada Police Station, due to which his appointment was kept pending. Counsel further submits that due to family dispute, relating to partition, the cousin of the petitioner had instituted three criminal cases against him, in which the petitioner has falsely been implicated only with a view to harass and humiliate and also with intention that the petitioner may not get government job, because the petitioner was seriously preparing for competitive examination.

4. Learned counsel for the petitioner further submits that the petitioner in the meantime acquitted in the pending criminal cases by the Lower Court and the petitioner submitted his application before the concerned authority with request to appoint him on the said post, informing about the acquittal, upon which the matter was again verified and report



was called for from the Superintendent of Police, Bhojpur who informed giving information that the petitioner has acquitted in the pending criminal cases which is apparent *vide* Memo No. 322 dated 28.04.2018 (Annexure-P/4). Counsel submits that the request of the petitioner for appointment on the post of Sub-Inspector of Police was rejected by the Inspector General of Police (Headquarter), Bihar, Patna *vide* letter bearing Memo No. 858/401926/P-2 dated 18.12.2018. Counsel further submits that the petitioner submitted an application before the concerned higher authority with request to appoint him on the post of Sub-Inspector of Police in view of the order dated 24.10.2018 passed in Contempt Case No. 14-18/2018 (arising out of Civil Appeal No. 2795-2797/2017) by which 133 appellants have been appointed on the said post in October, 2018. Counsel submits that the petitioner got highest marks which has been rejected by the Deputy Inspector, General of Police (Personnel) *vide* Memo No. P-2/07-02-27-2019-Part-22/858 dated 02.06.2020. Counsel submits that thereafter, the petitioner submitted his representation before the concerned higher authority of the Home Department, Bihar, Patna to review the order passed by the D.I.G., Patna dated 02.06.2020, stating all the facts and relevant ground, but the respondent authority has not taken any



steps with regard to the representation filed by the petitioner. Thereafter, the petitioner again sent a reminder on 10.08.2023. But, when no decision taken, then the petitioner moved before this Hon'ble Court by filing the present writ petition.

5. Learned counsel for the petitioner further submits that the counter affidavit has been filed, in which the stand has been taken by the respondent authority that the representation of the petitioner was rejected twice. Firstly, in the year 2018 and thereafter, in the year 2020. It has also been stated in the counter affidavit that during the appointment process, the petitioner had suppressed a material fact in his character verification form regarding pendency of three criminal cases against him, in which he has been acquitted. Counsel further submits that it is an admitted fact that the advertisement was of the year 2004 and at the time of filing of the form, there was no suppression and at that very time, there was no criminal case pending against the petitioner. He further submits that when result came for the first time, he has filed application, but due to inadvertent mistake, in column 7, he has put cross mark. He submits that the said appointment process has not been proceeded and a fresh result has come in the light of the decision of the Hon'ble Supreme Court of India. He submits



further that in the light of the said result, second time, in which he was at serial no.156, no demand for fresh verification has been called for. Rather, it is the petitioner who himself disclosed the acquittal of all three cases, but the respondent authorities has taken this aspect in negative way and did not considered the petitioner's case.

6. Learned counsel for the petitioner relied on a judgment rendered by the Hon'ble Supreme Court of India in case of *Commr. Of Police & Ors. Vs. Sandeep Kumar* reported in *(2011) 4 SCC 644*, wherein it has been observed that at the age of 20 years, young people often commit indiscretions, and such indiscretions can often been condoned. After all, youth will be youth. They are not expected to behave in as mature a manner as older people. Therefore, the Hon'ble Supreme Court has taken the view that approach should be to condone minor indiscretions made by young people rather than to brand them as criminals for the rest of their lives. Counsel submits that the reason for filing criminal cases has already been explained that all the three cases have been filed by the petitioner's cousin only and only on the dispute of partition. Therefore, the petitioner's case must not be considered and treated as like that of criminal, and a sympathetic view may be taken into consideration in the



light of the aforesaid decision of Hon'ble Supreme Court of India.

7. Learned counsel for the State, on the other hand, submits that the orders under challenge are Annexure-P/5 i.e. Memo No. 858/401926/P-2 dated 18.12.2018 and Annexure-P/6 i.e. Memo No. P-2/07-02-27-2019-Part-22/858 dated 02.06.2020. Counsel submits that both the annexures are well reasoned. Counsel submits that in the order, it has been categorically indicated that the Administrative Reform Department, Government of Bihar has categorically issued instruction that fulfilling wrong information and not disclosing the important fact shall be disentitlement for the government service. He also submits that if, the fact discloses during any time during service, that he has suppressed any fact and wrong information made in the verification, then his services may be ended. Counsel submits that the petitioner has made suppression in the verification form which comes to the knowledge of the respondent authorities prior to issuance of appointment.

8. Learned counsel for the State also submits that in support of his contention, in Annexure-P/5, series of cases decided by this Hon'ble Court and Hon'ble Supreme Court of India have been discussed, viz., ***C.W.J.C. No. 13845 of 2009***



(Raju Prasad Vs. The State of Bihar & Ors.), duly approved in L.P.A. No. 266 of 2010 & S.L.P. (C) No. 14729 of 2010; Civil Appeal No. 9913 of 2010 (Daya Sankar Yadav Vs. Union of India & Ors); Delhi Administration through its Chief Secretary & Ors. Vs. Sushil Kumar, reported in (1996) 11 SCC 605; Kendriya Vidyalaya Sangathan & Ors. Vs. Ram Ratan Yadav, reported in (2003) 3 SCC 437; R. Radhakrishnan Vs. Director General of Police & Ors., reported in (2008) 1 SCC 660 and Union of India & Ors. Vs. Bipad Bhanjan Gayen, reported in (2008) 11 SCC 314.

9. Learned counsel for the State also submits that in the counter affidavit, Annexure-A i.e. Letter No. 6831 dated 23.07.2020 has been attached, issued by the General Administrative Department, Government of Bihar, in which a latest circular has been issued in the light of a judgment passed by the Hon'ble Supreme Court of India in *Civil Appeal No. 18798 of 2017 (S.L.P. (C) No. 20525 of 2011), Avtar Singh Vs. Union of India & Ors., decided on 15.11.2017, reported in (2016) 8 SCC 471*. Counsel submits that in para 4 of the said judgment, certain guidelines/conditions have been issued which has been quoted in the said letter of the General Administrative Department, Government of Bihar dated 23.07.2020. Counsel



further submits that in the light of the said order and the circular, the petitioner is not entitled for any relief and therefore, he submits that the case of the petitioner has been rejected at once.

10. In the light of the submissions made, the only point that requires particular consideration is the different judgments cited by learned counsel for the petitioner and the State for the purpose of deciding this case.

10.1. It is true that in the earlier verification, correct entry has not been disclosed by the petitioner in the verification form and about pendency and disclosure regarding criminal or civil case, there is a cross mark in clause 7 of the verification form. But, as per the pleading, it also transpires to this Court that cases have been filed by one and the same person i.e. the petitioner's cousin and in all cases, petitioner has been acquitted.

11. Upon perusal of the various judgments which have been placed by both the parties, it transpires to this Court that the latest judgment is the judgment of *Avtar Singh Vs. Union of India & Ors. in Civil Appeal No. 18798 of 2017 (S.L.P. (C) No. 20525 of 2011)*, decided on 15.11.2017, whose para 4 is very much relevant and contains the certain guidelines/conditions and the same has also been quoted in the



letter dated 23.07.2020 issued by the General Administrative Department, Govt. of Bihar, which reads as under:-

“4. In Avtar Singh v. Union of India and Others, reported in (2016) 8 SCC 471, this Court has considered in detail as to the circumstances under which the stringent action could be taken and to what extent the employer can exercise its discretion. Relevant portion reads as follows:-

38.1 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.

38.2. 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.

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

38.4. 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:

38.4.1. 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.

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

38.4.3 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.

38.5. 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.

38.6. 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.

38.7. 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.

38.8. 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.

38.9. 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.

38.10. 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.

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

12. Upon perusal of the record, it transpires to this Court that still, the representation of the petitioner is pending before the Additional Chief Secretary, Department of Homes, Government of Bihar, Patna, on which no decision has been taken since 2023. The decision has been taken by the subordinate authorities and there is a circular dated 23.07.2020, whose clause 38.4.1 states as follows:-

“38.4.1. 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.”

13. In both the orders, the situation which has been pleaded by the petitioner has not been considered. Therefore, this Court deems it appropriate that the Letter No. 6831 dated 23.07.2020 (Annexure-A), issued by the General Administrative Department, Government of Bihar be taken into consideration by the concerned respondent authority and then decide this matter within 60 days from the date of production of a copy of this order and the Respondent no.2 i.e. Additional Chief Secretary, Department of Homes, Government of Bihar, Patna is directed to pass a reasoned and speaking order on the petitioner’s representation within the said period.

14. Accordingly, with the aforesaid observation and direction, this writ petition stands disposed off.

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	20/02/2026
Transmission Date	NA

