

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 18402 of 2025

Ramesh Chandra Kumawat, Male, S/o- Sohan Lal Kumawat, Resident of
Village - Chileshtar, P.S.- Karera, District- Bhilwara, Rajasthan- 311804.

... Petitioner/s

Versus

1. The Union of India through the General Manager, Eastern Railway, Kolkata at Metro Railway, A.V. Complex, Chitpur, R.G. Kar Road, Kolkata- 700037.
2. Railway Recruitment Board, Kolkata, through its Chairman, at Metro Railway, A.V. Complex, Chitpur, R.G. Kar Road, Kolkata- 700037.
3. The Chairman, Railway Recruitment Board, Kolkata, at Metro Railway, A.V. Complex, Chitpur, R.G. Kar Road, Kolkata- 700037.
4. Principal Chief Personnel Officer, Eastern Railway, Kolkata, at Metro Railway, A.V. Complex, Chitpur, R.G. Kar Road, Kolkata- 700037.
5. Assistant Personnel Officer, Eastern Railway, Jamalpur, Locomotive Workshop, Jamalpur, Bihar.

... Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S.B.K. Mangalam, Advocate Mr. Vikash Kumar Singh, Advocate Mr. Awnish Kumar, Advocate Mr. Kumar Gaurav, Advocate
For the Respondent/s	:	Mr. Sanjeev Kumar, CGC

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

and

HONOURABLE MR. JUSTICE ARUN KUMAR JHA

CAV JUDGMENT

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

Date: 23-07-2026

The present writ petition has been filed challenging the order dated 19.08.2025 passed by the learned Central Administrative Tribunal, Patna Bench, Patna (hereafter referred to as the 'Ld. CAT') in O.A. No.050/00242/2022, whereby and



whereunder the original application filed by the petitioner herein has been dismissed being devoid of any merit.

2. The brief facts of the case, according to the petitioner, are that the Railway Recruitment Board, Ministry of Railways, Government of India had issued a Centralised Employment Notice (CEN) No.1 of 2019, 2 of 2019 and 3 of 2019, inviting online applications from eligible candidates for around 1,30,000/- vacancies for the post of Non-Technical Popular Categories, Para-Medical Staff, Ministerial and Isolated Categories and Level-1 posts. The petitioner had filed his online application for Para-Medical categories (staff nurse), whereafter having found to be fulfilling the eligibility criteria and having qualified in the examinations, the petitioner had received E-call letter for document verification as well as medical examination to be held on 30.09.2019 at Railway Recruitment Board, Kolkata. The Workshop Personnel Officer (for Chief Works Manager), Eastern Railway, Jamalpur *vide* letter dated 10.02.2020 had communicated to the petitioner that he has been selected and empanelled by the Railway Recruitment Board, Kolkata for the post of Nursing Superintendent (staff nurse) in Level-7 of Pay Matrix under 7th CPC, subject to satisfactory verification of his character and antecedents and fulfillment of other per-appointment formalities as



per the extant rules/orders. The petitioner was also directed to submit two-character certificates in the enclosed form *i.e.* one from the head of Educational Institution last attended and duly attested by stipendiary 1st Class Executive Magistrate including the District Magistrate or Sub-Divisional Magistrate and other character certificate from separate Gazetted Officer. Apart from this the petitioner was also required to submit a character certificate from the Head of Institution last attended or by any Gazetted Officer of the Central or the State Government in the prescribed format as well as affidavit from 1st Class Executive Magistrate as per the enclosed verbatim format on non-judicial stamp amounting to Rs.100/-. The petitioner had then submitted a character certificates dt. 27.02.2020 and 29.02.2020, signed by the teacher and principal of the concerned school wherein it has been categorically mentioned that the petitioner bears reputable character and has got no antecedents which renders him unsuitable for government employment.

3. At this juncture, itself it would be relevant to refer to the attestation form submitted by the petitioner before the Railway Recruitment Board, Eastern Railway which can be found at running pages No.52 to 55, wherein under Clause 12 (1) (b) against the question- 'Have you ever been prosecuted', the



petitioner has not ticked either 'Yes' or 'No', however against Column 12 (1) (I) against the question- 'Is any case pending against you in any Court of law at the time of filling up this Attestation form', the petitioner has mentioned 'Yes'.

4. It is an admitted fact that the wife of the petitioner had died leading to lodging of an FIR against the petitioner and others bearing Karera, District – Bhilwara P.S. Case No.0097 of 2017, initially under Section 306 of the Indian Penal Code, whereafter Sections 498A and 304B of the Indian Penal Code were added, wherein he was granted bail by the Hon'ble Rajasthan High Court and then a compromise was entered into between the parties.

5. It is a matter of record that the petitioner had submitted his joining on 04.03.2020, however the joining was refused and he was given a copy of the letter written by the Assistant Personnel Officer, Eastern Railway, JMP Region to the Principal Chief Personnel Officer, Headquarter Office, Eastern Railway, Kolkata dated 19.10.2020, whereby and whereunder the panel containing the name of the petitioner herein was returned back since on PVR, the Addit. District Magistrate, Bhilwara, Rajasthan had informed that one case bearing No.97/2017 under Sections 498A, 304B and 306 of the IPC is pending against the petitioner. The petitioner had then filed the connected original application, *inter alia* praying



therein for quashing the aforesaid letter dated 19.10.2020 and for directing the respondents to allow him to join the Main Hospital, Eastern Railway, Jamalpur as Nursing Superintendent.

6. The respondents herein had filed a written statement before the Ld. CAT in the aforesaid O.A. No.242 of 2022 stating therein that the petitioner had submitted all his documents/forms on 04.03.2020 and he had informed in the attestation form that there is a court case pending against him which was also confirmed *vide* verification report dated 04.09.2020 issued by the Ld. Additional District Magistrate, In-charge (Judicial Section), Bhilwara and it has been informed that FIR No.97 of 2017 under Sections 498A, 304B and 306 of the Indian Penal Code is pending against the petitioner. The petitioner was then intimated *vide* letter dated 19.10.2020 that on account of the pending criminal court case he cannot be allowed to join the post of Nursing Superintendent in terms of the existing directives as per Paragraph No.101 of the Indian Railway Establishment Manual. At this juncture, it would be relevant to reproduce Rule 101 of the Indian Railway Establishment Manual herein below:-

“The appointment authority should satisfy itself that the character and antecedent of the person to be appointed are such as do not render him unsuitable for appointment to government service in accordance with instruction issued



by the Railway Board to Railway administration from time to time.”

Thus, it was contended by the respondents that the appointment authority is required to be satisfied with the character and antecedents of the person to be appointed, which should be such so as not to render him unsuitable for appointment for government service in accordance with the instructions issued by the Railway Board to Railway Administration from time to time. It was also stated in the written statement that after the panel papers of the petitioner was returned back to the Eastern Railway Headquarter Office, a replacement panel of another candidate namely Sri. Anagh P. was provided and then he was appointed as Nursing superintendent, thus no vacancy exists in Level-07 of Nursing superintendent at Jamalpur.

7. The petitioner had then filed a rejoinder to the written statement before the Ld. CAT, *inter alia* stating therein that the learned Court of Additional Sessions Judge, Bhilwara, Rajasthan by an order dated 01.06.2022 passed in Sessions Case No. 13 of 2018 arising out of FIR Case No.97 of 2017 has been pleased to acquit the petitioner by giving him benefit of doubt.

8. The Ld. CAT by the impugned order dated 19.08.2025 has come to a finding that as per Paragraph No. 101 of the Indian



Railway Establishment Manual, on account of pendency of criminal case against the petitioner pertaining to unnatural death of his wife within seven years of marriage because of dowry related harassment, the petitioner has been rightly communicated *vide* letter dated 19.10.2020 that the panel for the post of Nursing Superintendent has been returned back. Thus, the Ld. CAT has held that the railway authorities were not required to wait for conclusion of the trial and in fact they had ultimately appointed another candidate *namely* Sri. Anagh P. and the post in question had stood filled up though the trial of the criminal case had concluded only on 01.6.2022, wherein the petitioner was acquitted on account of being given benefit of doubt. In fact, it would be relevant to reproduce Paragraph Nos. 11 (F) and (G) of the impugned order dated 19.08.2025 herein below:

“(F) In instant case, this trial has finally concluded after approximately two years of the rejection of candidature. Initially the FIR was lodged as the ingredients of Sections 498 A, 304 B and 306 of IPC were there and the deceased had died an unnatural death by committing suicide by hanging within seven years of marriage because of dowry related harassment. As revealed by Annexure A-8 this allegation, after compromise by the prosecution side was turned into a story of motorcycle accident where allegedly the “chunni” got entangled around the neck. The criminal court had not accepted the compromise and proceeded with trial. This resulted in prosecution not being able to prove the case as there was compromise on both the sides



so naturally the prosecution witnesses were not supporting the case at the subsequent trial stage.

(G) The respondents at the time of returning the panel containing the recommendation of the case of the applicant to RRB seeking replacement worked as per established Para 101 of the Indian Railway Establishment Manual and they and they had all the justified reasons to do so. This information has also been communicated to the applicant vide their letter no. F/WPO/Recruitment cell/Pharmacist/SN/51 dated 19.10.2020. Under normal circumstances for this decision making process there is no need to wait for conclusion of criminal trial that was ultimately concluded on 01.06.2022 (approximately after about quarter to two years). They were justified in filling up the post that appears to be dealing with emergency service like media service. They could not and should not have waited for an undefined period of time. Ultimately another candidate Sr. Anagh P. has been appointed and post is filled up.”

9. The learned counsel for the petitioner, Sri. S.B.K. Mangalam, Advocate assisted by Sri. Vikash Kumar Singh, Advocate has submitted that the present case is not a case wherein the petitioner had concealed the factum of pendency of a criminal case, inasmuch as he has marked tick on option ‘Yes’ against the question- ‘Is any case pending against you in any court of law at the time of filling up this Attestation Form’.

10. The learned counsel for the petitioner has relied on a judgment rendered by the Hon’ble Apex Court in the case of ***Commissioner of Police, Delhi and Another vs. Dhaval Singh***, reported in ***(1999) 1 SCC 246*** and has submitted that since the respondent of the said case had conveyed to the appellant that an



inadvertent mistake has been committed in not giving information regarding pendency of criminal case, the appellant ought to have considered the same and applied their mind to the stand of the respondent of the said case before passing an order of cancellation of his candidature. The learned counsel for the petitioner has also relied on a judgment dated 31.03.2026 rendered by a learned Single Judge of this Court in the case of ***Monu Kumar and Others vs. The State of Bihar and Others*** (CWJC No. 839 of 2025) to contend that mere pendency of a criminal case, without adjudication of guilt and without any material demonstrating disqualification in terms of the applicable Rules cannot justify the denial or indefinite deferment of appointment of the candidates. This finding has been arrived at by the learned Single Judge of this Court relying on a judgment rendered by the Hon'ble Apex Court in the case of ***Joginder Singh vs. Union Territory of Chandigarh***, reported in **(2015) 2 SCC 377**, wherein it has been held that since the incumbent had been honorably acquitted in the criminal case, his alleged past conduct in relation to the criminal case will not debar or disqualify him from the post of Constable. Thus, it is submitted by the learned counsel for the petitioner that the impugned order dated 19.08.2025 passed by the Ld. CAT is contrary to law and fit to be set aside.



11. *Per contra*, the learned counsel for the respondents has supported the impugned order dated 19.08.2025, passed by the Ld. CAT and has submitted that there is no infirmity, whatsoever in the said order dated 19.08.2025. It is further submitted that the petitioner had not only refrained from ticking 'Yes' or 'No' against the question- 'Have you ever been prosecuted' but upon verification report being sought for, the learned Additional District Magistrate, In-charge (Judicial Section), Bhilwara had sent a verification report of the petitioner dated 04.9.2020 stating therein that a criminal case bearing Karera, District – Bhilwara P.S. Case No.0097 of 2017 under Sections 498A, 304B & 306 of the Indian Penal Code is pending trial *qua* the petitioner, hence in consonance with the directives as contained in paragraph No.101 of the Indian Railway Establishment Manual, the petitioner was intimated *vide* letter dated 19.10.2020 that the panel for the post of Nursing Superintendent pertaining to the petitioner is being returned back on account of criminal case pending against him.

12. Having heard the learned counsel for the parties at length and having perused the material on record we find that the facts of the case lie in a narrow encompass, in as much as the Railway Recruitment Board, Ministry of Railways, Government of India had issued a Centralised Employment Notice (CEN) No.1 of 2019,



2 of 2019 and 3 of 2019, inviting online applications from eligible candidates for various posts. The petitioner had filed his online application for Para-Medical categories (staff nurse), whereafter having passed all the exams, he was served with a letter dated 10.02.2020, informing him that he has been selected and empanelled by the Railway Recruitment Board, Kolkata for the post of Nursing Superintendent (staff nurse) in Level-7 of Pay Matrix under 7th CPC, subject to satisfactory verification of his character and antecedents and fulfilment of other per-appointment formalities as per the extant rules/orders. The petitioner was also directed to submit character certificates in the enclosed form as well as affidavit from 1st Class Executive Magistrate as per the enclosed verbatim format on non-judicial stamp amounting to Rs.100/-. The petitioner had then submitted a character certificates dt. 27.02.2020 and 29.02.2020, signed by the teacher and principal of the concerned school wherein it has been categorically mentioned that the petitioner bears reputable character and has got no antecedents which renders him unsuitable for government employment. The petitioner had, thereafter submitted his joining on 04.03.2020, however the joining was refused and he was given a copy of the letter written by the Assistant Personnel Officer, Eastern Railway, JMP Region to the Principal Chief Personnel



Officer, Headquarter Office, Eastern Railway, Kolkata dated 19.10.2020, whereby the panel containing the name of the petitioner was returned back since on PVR, the Addit. District Magistrate, Bhilwara, Rajasthan had informed that one case bearing No.97/2017 under Sections 498A, 304B and 306 of the IPC is pending against the petitioner. The petitioner had then filed the connected original application, *inter alia* praying therein for quashing the letter dt. 19.10.2020 and for directing the respondents to allow him to join the Main Hospital, Eastern Railway, Jamalpur as Nursing Superintendent. The Ld. CAT by an order dt. 19.08.2025 has dismissed the original application filed by the petitioner being devoid of any merit.

13. We find that the only legal issue which arises for consideration in the present case is as to whether the petitioner could have been appointed during the pendency of a criminal case involving commission of a heinous/serious offence. In this regard, we would first refer to a judgment rendered by the Hon'ble Apex Court in the case of ***Satish Chandra Yadav vs. Union of India and Others*** reported in **(2023) 7 SCC 536**, Paragraph No.93 whereof is reproduced herein below:-

“93. In such circumstances, we undertook some exercise to shortlist the broad principles of law which should be made



applicable to the litigations of the present nature. The principles are as follows:

93.1. Each case should be scrutinised thoroughly by the public employer concerned, through its designated officials — more so, in the case of recruitment for the Police Force, who are under a duty to maintain order, and tackle lawlessness, since their ability to inspire public confidence is a bulwark to society's security. (See Raj Kumar [State v. Raj Kumar, (2021) 8 SCC 347.

93.2. Even in a case where the employee has made declaration truthfully and correctly of a concluded criminal case, the employer still has the right to consider the antecedents, and cannot be compelled to appoint the candidate. The acquittal in a criminal case would not automatically entitle a candidate for appointment to the post. It would be still open to the employer to consider the antecedents and examine whether the candidate concerned is suitable and fit for appointment to the post.

93.3. The suppression of material information and making a false statement in the verification form relating to arrest, prosecution, conviction, etc. has a clear bearing on the character, conduct and antecedents of the employee. If it is found that the employee had suppressed or given false information in regard to the matters having a bearing on his fitness or suitability to the post, he can be terminated from service.

93.4. The generalisations about the youth, career prospects and age of the candidates leading to condonation of the offenders' conduct, should not enter the judicial verdict and should be avoided.

93.5. The Court should inquire whether the authority concerned whose action is being challenged acted mala fide.

93.6. Is there any element of bias in the decision of the authority?



93.7. Whether the procedure of inquiry adopted by the authority concerned was fair and reasonable?”

14. We find from the records that the present case is not a case where the candidature of the petitioner has been cancelled on account of either the petitioner having furnished false information or having omitted to mention in his application form regarding his involvement in a criminal case, however the issue in the present case is as to whether the employer is bound to accept candidature of such a candidate who is accused in a criminal case involving commission of a heinous/serious offence, *i.e.* offence punishable under Sections 498A, 304B and 306 of the Indian Penal Code.

15. We would first of all refer to the admitted fact, *i.e.* the wife of the petitioner had died leading to lodging of an FIR against the petitioner and others bearing Karera, District – Bhilwara P.S. Case No.0097 of 2017, initially under Section 306 of the Indian Penal Code, whereafter Sections 498A and 304B of the Indian Penal Code were added, with an allegation against the petitioner and others of having killed his wife and/or having abated the crime of commission of suicide. Thus, in such cases, as per Rule 101 of Indian Railway Establishment Manual, the appointment authority has to satisfy itself that the character and antecedents of the person to be appointed are such which do not render him unsuitable for appointment in government service. Now coming back to the



present case, we find that at the time letter dated 10.02.2020 was issued to the petitioner regarding his selection and empanelment by the RRB, Kolkata as also at the time of submission of joining on 04.03.2020, the aforesaid criminal case was pending against the petitioner, pertaining to unnatural death of his wife by committing suicide by hanging within seven years of marriage because of dowry related harassment, whereafter compromise was entered into between the parties and a story of motorcycle accident was concocted, however the Criminal Court did not accept the compromise and proceed with the trial, wherein after about more than two years, the petitioner was acquitted *vide* judgment dated 01.06.2022, passed by the Ld. Trial Court by granting him benefit of doubt, hence no infirmity can be found with the contents of the letter dated 19.10.2020, issued by the Assistant Personnel Officer, Eastern Railway, JMP Region to the Principal Chief Personnel Officer, HQ. Office, E. Railway, Kolkata whereby the panel of the post of Nursing Superintendent *qua* the petitioner has been returned back and another candidate has been appointed resulting in all the post having stood filled up.

16. We also find that neither it could have been foreseen that the petitioner would stand acquitted in the ongoing trial of the aforesaid criminal case nor the respondents would have waited



endlessly for completion of the pending trial especially in view of the urgency and exigency of filling up of a post pertaining to an emergency service like medical service. A bare perusal of the judgment rendered by the Hon'ble Apex Court in the case of ***Satish Chandra Yadav*** (*supra*) would show that the Hon'ble Apex Court has held therein that even in a case where the employee has made declaration truthfully and correctly of a concluded criminal case, the employer still has the right to consider the antecedents and cannot be compelled to appoint such candidate. It has been further held that acquittal in a criminal case would not automatically entitle a candidate for appointment to the post and it would be still open to the employer to consider the antecedents and examine whether the candidate concerned is suitable & fit for appointment to the post. In fact, the Hon'ble Apex Court has also held that making false statement in the verification form has a clear bearing on the character, conduct and antecedent of the employee.

17. As far as the judgment rendered by the Hon'ble Apex Court in the case of ***Dhaval Singh*** (*supra*) is concerned, the facts and circumstances of the same are absolutely distinguishable from the facts of the present case, inasmuch as the said case pertains to the candidate having omitted to furnish information regarding pendency of the criminal case against him. As far as the judgment



rendered by the learned Single Judge in the case of *Monu Kumar and Others (supra)* is concerned, the same has been passed on the basis of a judgment rendered by the Hon’ble Apex Court in the case of *Joginder Singh (supra)*, facts and circumstances whereof are also distinguishable from the present case, inasmuch as in the said case, involving offence of lesser gravity, the candidate had been honorably acquitted much before being called for interview/ medical examination/written test, however in the present case the criminal case involving grave offence was still pending trial.

18. Having regard to the facts and circumstances of the case and for the foregoing reasons, we do not find any infirmity in the impugned order dated 19.08.2025 passed by the Ld. CAT in O.A. No.050/00242 of 2022, hence the present writ petition stands dismissed being bereft of any merit.

(Mohit Kumar Shah, J)

(Arun Kumar Jha, J)

GAURAV S./-

AFR/NAFR	AFR
CAV DATE	28.04.2026
Uploading Date	23.07.2026
Transmission Date	

