

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.126 of 2025

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Ankesh Kumar S/o Dinesh Mahto resident of Village-Behorchak, P.S.-Bakhri,
District-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Govt. of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Bihar Police, Subordinate Service Commission through its Chairman, Bihar, Patna.
4. The Secretary, Bihar Police Subordinate Service Commission through its Chairman, Bihar, Patna.
5. The Deputy Inspector, General of Police -cum Appointing Authority, Begusarai Range, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. D.K., Sinha, Senior Advocate Mr. Bhola Prasad, Advocate Mr. Indrajeet Kumar, Advocate
For the State	:	Mr. Sunil Kumar Mandal, SC-3 Mr. Bipin Kumar, AC to SC-3
For the BPSSC	:	Mr. Sanjay Pandey, Advocate Mr. Nishant Kr. Jha, Advocate Mr. Prabhakar Pahepuri, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 21-04-2026

Heard learned senior counsel for the petitioner,
learned counsel for the State and learned counsel for the Bihar
Police Subordinate Service Commission.



2. The present writ petition has been filed for quashing the order contained in Memo No. 108 dated 24.10.2024 issued by the Appointing Authority-cum-Deputy Inspector General of Police (Administration), Bihar, Patna, and the consequential order contained in Memo No. 2095 dated 28.10.2024 issued by the Dy. Inspector General of Police, Begusarai Range, Begusarai, whereby the petitioner has been held ineligible for appointment to the post of Sub-Inspector on the ground that he suppressed the pendency of a criminal case against him, and accordingly, his candidature was cancelled. Further prayer has been made that the respondent may be directed to appoint the petitioner to the post of Sub-Inspector pursuant to Advertisement No. 02/2023 in view of his final selection and exoneration from the alleged criminal case.

3. Learned senior counsel for the petitioner submits that the petitioner completed his graduation in the year 2020 from Lalit Narayan Mithila University, Darbhanga, and in 2023 the Bihar Police Subordinate Commission invited applications vide Advertisement No. 02/2023 for selection/appointment to the post of Police Sub-Inspector. Pursuant thereto, the petitioner applied and, after scrutiny, his application was accepted and an admit card was issued for the preliminary examination. The



petitioner qualified the preliminary written examination and was allowed to participate in the mains examination. He appeared in the mains examination and qualified the same, and thereafter appeared in the physical test, which he also qualified. Finally, he was selected under the Backward Category, wherein his name appeared at Serial No. 47, and he was allotted Nalanda district.

4. Counsel further submits that during the course of character verification, it came to light that a criminal case was pending against the petitioner vide Bakhri P.S. Case No. 134 of 2020, which was under investigation about which the petitioner disclosed before authority *suo moto*, but he did not disclose this fact in his application. Due to such suppression, and on the basis of the report in this regard, the candidature of the petitioner was cancelled vide Memo No. 108 dated 24.10.2024 and the consequential order contained in Memo No. 2095 dated 28.10.2024 issued by the D.I.G., Begusarai Range, Begusarai.

5. Counsel further submits that the petitioner filed a representation before the D.G.P., Bihar, Patna on 26.11.2024, but till date no decision has been taken on his representation. Thereafter, the petitioner filed the present writ petition. Counsel further submits that the said F.I.R. was lodged with mala fide intention. It is further submitted that a mistake was made by the



petitioner at the time of filing of the application, but as soon as he realized his mistake, he disclosed the fact before the authority *suo motu* at the time of document verification dated 03.08.2024, which shows his bona fides.

6. Counsel further submits that the petitioner is a young person and the offence alleged against him is of a petty nature, in which he has already been exonerated. Counsel specifically emphasizes that the last line of the impugned order indicates that the candidature of the petitioner has been cancelled on the ground that a criminal case is pending against him. Counsel further submits that the said impugned letter was issued on 24.10.2024 and the subsequent letter was issued on 28.10.2024.

7. Counsel further submits that, as per Annexure 11, which is the order sheet of the Court of C.J.M., Begusarai in relation to Bakhri P.S. Case No. 134 of 2020, G.R. No. 1048 of 2020, dated 06.09.2024, the final form was accepted on 06.09.2024, and therefore no criminal case was pending against the petitioner on the dates when the impugned orders dated 24.10.2024 and 28.10.2024 were passed.

8. Counsel further submits that in this aspect of the matter, the impugned orders are not sustainable in law and are



liable to be set aside, as the same were passed after closure of the case.

9. Counsel further relies on the judgment passed by this Hon'ble Court in the case of *Rakesh Kumar Singh v. The State of Bihar & Ors.*, dated 17.01.2025 in CWJC No. 15943 of 2023, and submits that this Hon'ble Court has been pleased to allow the aforesaid writ petition in a similarly situated matter and directed the respondents to appoint the petitioner in that case to the post of Sub-Inspector, for which he had been selected pursuant to Advertisement published by the Bihar Police Subordinate Service Commission, after setting aside the impugned order therein.

10. Learned counsel for the State, on the other hand, submits that the impugned order is completely in accordance with law. Counsel further submits that it is true that the petitioner participated pursuant to Advertisement No. 02/2023. It is further submitted that in the said advertisement, it was categorically mentioned in the application form under Clause 11 regarding disclosure relating to character, and subsequently under Clause 19, sub-clause XII.

11. Counsel further submits that Annexure-2 is the application form filled up by the petitioner on 20.10.2023. From



the acknowledgment slip of the said application form, it appears that under the declaration relating to criminal cases, where different headings were provided, the petitioner has entered 'No' in all the entries. Counsel submits that such disclosure was absolutely false, fabricated, and made with intentional suppression.

12. Counsel further submits that in paragraph no. 10 of the writ petition, the plea of mistake has been taken by the petitioner, to which respondent no. 5, in paragraph 15 of the counter affidavit, has categorically replied and denied the same, stating that it was not a mistake. Rather, during the relevant period, the petitioner was on bail in the said criminal case, as has been mentioned by him in the character verification form itself.

13. Counsel further submits that Clause 19 of the advertisement specifically provides for cancellation of candidature, and suppression or non-disclosure of involvement in a criminal case is one of the grounds for such cancellation.

14. Counsel further relies on two judgments passed by this Hon'ble Court, firstly in the case of *Utpal Kant Prasad Verma v. The State of Bihar through Chief Secretary & Ors.*, reported in 2026 (1) PLJR 324, and *Nirmala Kumari v. The*



State of Bihar through the Principal Secretary, (Home) Police Department & Ors., reported in 2026 (1) PLJR 633. Counsel submits that in both the judgments, this Hon'ble Court has upheld the cancellation of the candidature of the respective petitioners by way of dismissal/removal from service on the ground of suppression of a pending criminal case, which was found to be false.

15. Accordingly, he submits that, whether in terms of the conditions of the advertisement, the declaration made in the application form and acknowledgment slip, or in light of the aforesaid judgments, the present writ petition is fit to be dismissed.

16. After hearing the parties and upon going through the documents and the respective annexures, it transpires to this Court that, from the acknowledgment of the application form, all the columns in the declaration relating to criminal cases indicate 'No'.

17. For reference, Annexure-2 is hereby scanned below:



18. In the aforesaid context, Clause 11 of the
ent reads as follows:

पूर्ववृत्त सत्यापन-

उपरोक्त पदों पर नियुक्ति के पूर्व
सभी चयनित अभ्यर्थियों का चिकित्सकीय



परीक्षण, चरित्र एवं पूर्ववृत्त सत्यापन संबंधित नियुक्ति प्राधिकार द्वारा यथाविहित नियम के अनुसार कराया जाएगा। प्रतिकुल प्रतिवेदन प्राप्त होने एवं/अथवा अभ्यर्थियों द्वारा तथ्यों को छुपाये जाने की स्थिति में संबंधित अभ्यर्थी नियुक्ति के लिए अयोग्य घोषित किये जाएंगे।"

19. In this regard, Clause 19(xii) of the Advertisement reads as follows:

19. उम्मीदवारी रद्दीकरण- आवेदक की उम्मीदवारी किसी भी समय निम्नलिखित आधार पर बिना कारण बताये रद्द की जा सकती है:

"19 (xii) आवेदक का किसी आपराधिक काण्ड/गतिविधि में सम्मिलित पाया जाना।"

20. This Court, upon perusal of Annexure-11, finds that the contention made by learned senior counsel is correct to that extent that, vide order dated 06.09.2024, the criminal case against the petitioner was dropped. It also transpires from the impugned order that the final order was passed on 24.10.2024,



and on that date no criminal case was pending against the petitioner. However, this Court is of the view that if the petitioner had disclosed the correct facts regarding the criminal case in the application form, he would not have been permitted to participate in the examination process.

21. It is not the case of the petitioner that he had no knowledge of the criminal case at the relevant point of time when the application was filled up, rather, during that very period, he was on bail. By suppressing this fact in the application form, he was allowed to participate in the preliminary test, the mains examination, and also qualified the physical test. Subsequently, after successfully clearing all three stages, he disclosed the same at the time of submission of the verification form.

22. The judgment in the case of *Rakesh Kumar Singh (supra)*, on which learned senior counsel for the petitioner has relied, indicates that in that case, at the time of filing the application form, the petitioner had no knowledge that a criminal case had been instituted against him, and there was a gap of only three days between the filing of the criminal case and submission of the application form.

23. The judgment relied upon by the respondent in



the case of *Utpal Kant Prasad Verma (supra)*, wherein paragraphs 13 to 22 have been quoted below:-

13. After his appointment, the petitioner was asked to fill up his character verification certificate which was sent for the verification. The petitioner suppressed the information with respect to pendency of the criminal case/FIR which came to light in the verification conducted by the respondents. The discovery of the pendency of criminal case lead to the respondents passing the order of dismissal.

14. Referring to the different judgments of the Hon'ble Supreme Court as stated hereinabove, the petitioner submitted that non-disclosure of the pendency of the criminal case was for the reason that the petitioner was under the impression that criminal case which was pending at the time of filling up the Further, the suppression which was more application form only had to be disclosed out of fear was not such as to warrant dismissal from service.

15. In the case of Commissioner of Police and Others vs. Sandeep Kumar, (2011)4 SCC 644 [2011(2) PLJR (SC)196], the Hon'ble Supreme Court held that non-disclosure of being involved in a criminal case under Section 325/34 of the Indian



Penal Code was probably out of fear that if he did so, he would automatically be disqualified. The Hon'ble Supreme Court observed that it was not such a serious offence like murder, dacoity or rape, and hence a more lenient view should be taken in the matter.

16. In the case of Ram Kumar vs. State of Uttar Pradesh and Others, (2011)14 SCC 709, the Hon'ble Supreme Court observed that the order dated 18.7.2002 of the Additional Chief Judicial Magistrate had been sent along with the report dated 15.1.2007 of the concerned police station to the Senior Superintendent of Police, Ghaziabad. However, it appeared that the Senior Superintendent of Police, Ghaziabad has not gone into the question as to whether the appellant was suitable for appointment on the post of Constable or not. He only proceeded on the ground that the selection of the appellant was illegal and irregular because he did not furnish in his affidavit in the proforma of verification roll that a criminal case has been registered against him. Challenge by the appellant was allowed by the Hon'ble Supreme Court and it was directed that the appellant be taken back in service.

17. In the case of Pramod Singh



Kirar vs. State of Madhya Pradesh & Ors., 2023(1) PLJR (SC)26, the Hon'ble Supreme Court was dealing with the case of the appellant who was made accused in a criminal case under Section 498A of the Indian Penal Code. The Hon'ble Supreme Court held that the incident was of the year 2001 under Section 498A of the Indian Penal Code and which had resulted in acquittal of the appellant in the year 2006. It was much later in the year for appointment. The Hon'ble Supreme 2013/2014 that the petitioner had applied Court directed the respondents to appoint otherwise he was found to be meritorious the appellant on the post of Constable as and eligible for the said post.

18. It may be observed here that Rule 673(c) of the Bihar Police Manual provides for the enlistment orders. The same is reproduced hereinbelow for ready reference:-

"(c) Enlistment orders.

The order for enlistments shall then be entered in the order book, the service book shall be prepared and the verification roll despatched to the Superintendent of the district in which the recruits home is situated. The number and date of despatch shall be



noted in the proper place in the service-book, and on the return of the roll with a report that the man bears a good character and has made a truthful statement as to his antecedents, the Superintendent shall initial this entry, have the necessary entry made in the service- book and order the verification roll to be filed. If the character of the man is reported to be bad or his statement false, he shall be removed from the force."
(Emphasis supplied)

19. On perusal of Rule 673(c), it would transpire that after having the necessary entries made in the service book, the Superintendent of the district has to order the verification roll to be filed. The Rules specifically provides that if the character of the person is reported to be bad or his statement false, he shall be removed from the force.

20. From the facts stated herein-above, it is evident that on verification of the character certificate of the petitioner; the statement of the petitioner by way of suppressing the criminal case pending against him was discovered to be false and as such, the petitioner was rightly dismissed/removed from service. The



respondents having followed the specific Rule 673 of the Bihar Police Manual, the Court finds no illegality in the orders of the respondents.

21. In the facts of the case, the judgments relied upon by learned counsel for the petitioner is of no assistance to the petitioner. The petitioner has not made out any case for interference in the orders impugned by this Court. The Court finds no merit in the instant application.

22. The application is dismissed.

24. The second judgment relied upon by the respondent in the case of *Nirmala Kumari (supra)*, wherein paragraphs 08 to 13 are quoted as follows:-

8. It further transpires to this Court that from the record, it is apparent and admitted position that on the date of filing up of the verification form, there was a criminal case pending against the petitioner about which the statement has been made in the verification form that 'no' criminal case is pending and in this view of the matter, it transpires to this Court that the statement of petitioner is false.

9. So far as the judgment on which the petitioner is relying in the case of Avtar Singh (supra), its paragraph no. 30(4)



is very much clear and states as follows:-

"(4) In case there is suppression or false information of involvement in a criminal case where conviction or acquittal had already been recorded before filing 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."

10. Upon bare reading of the said observation of the Hon'ble Supreme Court in the case of Avtar Singh (supra), it is apparent to this Court that in case there is a suppression or false information of involvement in a criminal case where conviction or acquittal had already been recorded before filing of the application/ verification form is not the actual fact in the present case. In the present case at the time of filing up the verification form, a false statement has been inserted in the verification form. Therefore, this judgment shall not help the petitioner in any manner.

11. So far as the judgment of Rajasthan Rajya Vidyut Prasaran Nigam Limited & Anr. (supra) is concerned, its



paragraph nos. 14 & 15 are very much clear which states as follows:-

"14. The issue/question may be considered from another angle, from the employer's point of view. The question is not about whether an employee was involved in a dispute of trivial nature and whether he has been subsequently acquitted or not. The question is about the credibility and/or trustworthiness of such an employee who at the initial stage of the employment i.e. while submitting the declaration/verification and/or applying for a post made false declaration and/or not disclosing and/or suppressing material fact of having involved in a criminal case. If the correct facts would have been disclosed, the employer might not have appointed him. Then the question is of TRUST. Therefore, in such a situation, where the employer feels that an employee who at the initial stage itself has made a false statement and/or not disclosed the material facts and/or suppressed the material facts and therefore he cannot be continued in service because such an employee cannot be relied upon even in future,



the employer cannot be forced to continue such an employee. The choice/option whether to continue or not to continue such an employee always must be given to the employer. At the cost of repetition, it is observed and as observed hereinabove in catena of decision such an employee cannot claim the appointment and/or continue to be in service as a matter of right.

15. In view of the aforestated facts and circumstances of the case, both, the learned Division Bench as well as the learned Single Judge have clearly erred in quashing and setting aside the order of termination terminating the services of the respondent on the ground of having obtained an appointment by suppressing material fact and filing a false declaration. The order of reinstatement is wholly untenable and unjustified."

12. It also transpires that in paragraph no. 8.8 of the judgment of Rajasthan Rajya Vidyut Prasaran Nigam Limited & Anr. (supra), the said decision of Avtar Singh (supra) has also been discussed in this manner which states as follows:-



"8.8. After reproducing and/or reconsidering para 38.5 of the decision in Avtar Singh [Avtar Singh v. Union of India, (2016)8 SCC 471: (2016)2 SCC (L&S) 425], in para 13, this Court observed and held as under: (Abhijit Singh Pawar case [State of M.P. v. Abhijit Singh Pawar, (2018)18 SCC 733 : (2019)3 SCC (Cri) 431 : (2019)2 SCC (L&S) 420], SCC p. 742)

"13. In Avtar Singh [Avtar Singh v. Union of India [(2016)8 SCC 471: (2016)2 SCC (L&S) 425], though this Court was principally concerned with the question as to non-disclosure or wrong disclosure of information, it was observed in para 38.5 that even in cases where a truthful disclosure about a concluded case was made, the employer would still have a right to consider antecedents of the candidate and could not be compelled to appoint such candidate."

13. After hearing both the parties and upon perusal of the relevant



rules and the judgments reported by counsel for the petitioner and the Respondent-State, this Court reached on the conclusion that the statement made by the petitioner in the verification form is false and the petitioner is not entitled for any relief as per the above facts and circumstances as well as the established law of the land. Hence, this writ petition stands dismissed.

25. Here in the present case, so far as the factual matrix is concerned, this Court is of the opinion that on the date on which the application form was filled up, the petitioner was on bail, and even then he filled up the form declaring all entries relating to the criminal case as 'No, No and No', meaning thereby that he had intentionally suppressed the said fact. It is only due to this reason that he was permitted to appear in the preliminary test, mains examination, and physical test, and thereafter, at the stage of verification, i.e., after clearing all the three stages, he disclosed that a criminal case was pending against him.

26. This Court finds that it is true that the order was passed on 28.10.2024, the day on which no criminal case was pending against the petitioner. However, this Court is of the view that the said impugned order has been passed in the light of Clause 19(xii) of the Advertisement, wherein it has been



indicated that the candidature of an applicant is liable to be cancelled on the ground of involvement in a criminal case, about which he has made suppression in the original application form itself.

27. Therefore, in view of the aforesaid facts, circumstances and the reasons, this Court finds that there is no merit in the present case and accordingly, the writ petition is hereby dismissed.

(Dr. Anshuman, J.)

Aman Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
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