IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 4555 of 2026

Mahesh Mandal, aged about 34 years, S/o Gulab Mandal, R/o Village-Barayan, P.O.- Gadi Bharkatta, P.S.- Birni, District-Giridih, Jharkhand-825324

.....Petitioner

VERSUS

1. The State of Jharkhand through the Chief Secretary at project Building, P.O. + P.S.- Dhurwa, Dist- Ranchi, Jharkhand (834004).
2. Director General of Police, DPRD Building, HEC Dhurwa, P.O. & P.S.-Dhurwa, District- Ranchi, Jharkhand, 834004.
3. Superintendent of Police, Office of the Superintendent of Police, Tundi Road, Giridih, P.O. & P.S.- Giridih, District- Giridih, Jharkhand (815301) **...Respondents**

--

CORAM: **HON'BLE MR. JUSTICE DEEPAK ROSHAN**

For the Petitioner(s) : Mr. Vishnu Prabhakar Pathak,
Mukesh Kumar Mehta, Advocates
For the Respondents : Mrs. Sunita Kumari, A.C to Sr. S.C.-II

--

02/27.10.2026 The instant writ application has been preferred by the petitioner praying therein for quashing and setting aside the order dated 09.06.2026 (Annexure-4), by the 3rd respondent, whereby the petitioner's application for issuance of character certificate has been rejected on the ground of his previous conviction in Birni P.S. Case No. 132/ 2012.

2. The grievance of the petitioner is that though the petitioner was extended the benefit of Sections 3 & 4 of Probation of Offenders Act; therefore, there was no reason for non-issuance of character certificate.

3. Learned counsel for the petitioner submits that only due to non-issuance of character certificate, the

petitioner is facing hindrance in the appointment of Constable.

4. Ld. Counsel further draws attention of this Court towards Annexure-5, which is the order of conviction passed by learned Judicial Magistrate, 1st Class, Giridih in T.R. No. 1294/2019 in order to submit that though the petitioner was convicted, but he was extended the benefit of Sections 3 & 4 of probation of Offenders Act; as such, the previous conviction of the petitioner should not come on the way in granting the character certificate.

5. Ld. Counsel for the respondents relies on the counter affidavit; especially para-8 and submits that in the case of *Ajit Kumar Versus Commissioner of Police and others*, the Delhi High Court had the occasion of dealing with a similar matter. He further referred Para 12 and 13 of the judgment of the Delhi High Court

6. Having heard Ld. Counsel for the parties and after going through the documents available on record, the short question involved in this writ application is that when the petitioner was extended the benefit of Sections 3 & 4 of Probation of Offenders Act, 1958; then, whether the action of the respondents in rejecting the claim for issuance of character certificate is justified or not.

7. Recently, the Hon'ble Apex Court in *Cr. Appeal No. /2026* arising out of *SLP(Criminal) No. 4563 of 2022)* has held that since the appellant of that case was extended the benefit under Section 3 of 1958 Act, he shall not incur any disqualification affecting his service career, arising out of the conviction, in terms of Section 12 of the Act. For brevity, para-8 of the aforesaid judgment passed by the Hon'ble Apex Court is extracted hereinabove:

> *"8. Therefore, in exercise of powers under Section 3 of 1958 Act, while confirming the conviction of the Appellant, we direct that instead of sentencing, the Appellant be released after due admonition. Moreover, since the Appellant has been extended the benefit under Sections 3 of the 1958 Act, he shall not incur any disqualification affecting his service career, if any, arising out of the conviction, in terms of Section 12 of the 1958 Act."*
>
> *Emphasis Supplied*

8. In the instant case also, the facts are not in dispute, inasmuch as, the petitioner was convicted; however, the learned trial court found it as an appropriate case and granted the benefit of Probation of Offenders Act to the petitioner and ordered to release the convict after due admonition.

There is nothing on record to suggest that the petitioner was involved in any other criminal case; save and except the case in Birni P.S. Case No. 132/ 2012, wherein he was convicted.

9. Having regard to the above, and in the light of para-8 of the order passed in the case of ***Mahadevanna***

D.M. (Supra), the impugned order of rejection for granting character certificate dated 09.06.2026 (Annexure-4), is hereby, quashed and set aside.

The respondents are hereby directed to issue proper character certificate if there is no other criminal case pending against the petitioner. The order may be passed within a period of 8 weeks from the date of receipt of a copy of this order.

10. As a result, the instant writ application stands allowed in the manner indicted hereinabove. Pending I.A., if any, stands closed.

(Deepak Roshan, J.)

27th October, 2026
Jk
Uploaded on
03/11/2026