CGHC010374332026 2026:CGHC:43220

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HIGH COURT OF CHHATTISGARH AT BILASPUR

(Order Reserved on 05-10-2026)

(Final Order Delivered on 06-10-2026)

(Final Order Uploaded on 06-10-2026)

WPS No. 7100 of 2026

Narendra Pal Barman S/o P.R. Barman Aged About 29 Years R/o Village Dhangoan Tehsil Pamgarh, District Janjgir Champa Chhattisgarh.

... Petitioner

versus

1 - State of Chhattisgarh Through- Its Secretary Department of Home Mahanadi Bhawan Atal Nagar Nawa, Raipur District Raipur Chhattisgarh.

2 - Director General of Police Chhattisgarh. Police Headquarters Sector -19, Atal Nagar, Naya Raipur District Raipur Chhattisgarh.

3 - Inspector General of Police Raipur Range, Raipur District Raipur Chhattisgarh.

4 - Superintendent of Police Balodabazar Bhatapara, District Balodabazar Bhatapara Chhattisgarh.

... Respondents

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Mateen Siddiqui, Sr. Advocate along with Ms. Zainab Mustafa Vanak, Advocate
For State	:	Mr. Anil S. Pandey, GA

ASHUTOSH MISHRA
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(Hon'ble Shri Justice Bibhu Datta Guru)

CAV Order

1. The petitioner has preferred the present writ petition seeking a direction to the respondents to consider his candidature for appointment to the post of Constable (GD), District Baloda Bazar-Bhatapara, under the Scheduled Caste category. The petitioner has participated in the recruitment process pursuant to the advertisement issued by the Chhattisgarh Police and, after participating in the Physical Efficiency Test and written examination, his name was placed at S.No.1 in the waiting list.

2. (a) Learned Senior Counsel appearing for the petitioner submits that the petitioner participated in the recruitment process initiated by the respondent authorities for appointment to the post of Constable (GD) and was found eligible and qualified in the requisite stages of the selection process. It is contended that the name of the petitioner has also been included in the waiting list at Sr. No.1 under the Scheduled Caste category. Learned Senior Counsel would submit that subsequently, the respondent authorities issued a direction to the wait-listed candidates to participate in the forthcoming appointment process and to submit the requisite attestation form, identity card, etc. In compliance with the said instructions, the petitioner submitted all the requisite documents, including the attestation form, wherein he disclosed that two FIRs had been registered against him, namely, Crime

No.431/2022 for offences punishable under Sections 147, 148, 149, 186, 307, 332, 341, 353, 427 and 120-B of the IPC and Crime No.223/2023, and also disclosed the pendency of the criminal proceedings. Despite the said disclosure, till date, the respondent authorities have not taken any initiative to consider the case of the petitioner and pass the necessary order of appointment in his favour. It is submitted that the action/inaction on the part of the respondents is illegal, arbitrary and unsustainable in law.

(b) In support of his contention reliance has been placed upon the judgment of the Hon'ble Supreme Court in ***Avtar Singh v. Union of India and Others, (2016) 8 SCC 471***. Learned Senior Counsel has also placed reliance upon the decision rendered by the learned Single Judge of the Rajasthan High Court in ***Ajhar Mehar v. Union of India & Ors., S.B. Civil Writ Petition No.10778 of 2020***. He would submit that, in view of the aforesaid decision of the Hon'ble Supreme Court, where the factum of pendency of a criminal case has been truthfully disclosed by a candidate in the attestation form, the employer, in exercise of its discretion, may appoint such candidate subject to the outcome of the criminal case. It is submitted that, in the present case, the petitioner had truthfully disclosed the pendency of the criminal cases, yet the respondent authorities have not taken any action for issuance of the appointment order in his favour.

3. (A) *Per contra*, learned State Counsel opposes the petition. It is submitted that, as per the material available with the respondents, as many as ten criminal cases are to the credit of the petitioner, whereas the petitioner has disclosed only two cases. It is submitted that even serious charges have been levelled against the petitioner, including an offence punishable under Section 307 of the IPC. According to the State, such non-disclosure of the complete criminal antecedents of the petitioner is a material circumstance while considering his suitability for appointment. Reliance has also been placed upon the judgment of the Hon'ble Supreme Court in ***State of West Bengal and Others v. S.K. Nazrul Islam, (2011) 10 SCC 184***, in support of the submission that a candidate whose antecedents render him unsuitable cannot claim appointment merely on the basis of his selection.

(B) It is further submitted that the principles governing disclosure of criminal antecedents and suitability for appointment are required to be kept in view while considering the candidature of the petitioner. Learned State Counsel would lastly submit that the petitioner cannot claim appointment merely because his name finds place in the waiting list, as mere inclusion in a waiting list does not confer an indefeasible right to appointment.

4. Having heard learned counsel for the parties and having perused the material available on record, this Court finds that the controversy requires consideration in the backdrop of the nature of the post for

which the petitioner seeks appointment.

5. The indisputable facts are that pursuant to the selection process initiated by the respondent authorities, the petitioner applied for the post of Constable (GD) for Baloda Bazar-Bhatapara. On completion of the recruitment process the name of the petitioner find place in the waiting list at Sr. No.1 under the Scheduled Caste Category. Subsequently, pursuant to the press release of the Respondents wherein they directed the selected/wait list candidates to participate in the further selection process along with the requisite attestation form / identity card etc. According to the petitioner, he appeared before the authorities and submitted the requisite documents including the attestation form, wherein he mentioned that two FIRs were lodged against him i.e. Crime No.431/2022 for offence under Sections 147, 148, 149, 186, 307, 332, 341, 353, 427 & 120B IPC and Crime No.223/2023 for offence under Sections 186, 294, 34, 506 IPC and the trial is pending consideration. By way of this petition, the petitioner is claiming that since he has truthfully disclosed the registration of FIRs and pendency of trial the authorities ought to have considered his case and issue the appointment order subject to final outcome of the trial.

6. At this juncture, it is noteworthy to mention here that in a case where the candidate has made declaration truthfully with regard to registration of FIR and pendency of trial, the employer still has the right to consider the antecedents and cannot be compelled to appoint the candidate.

From the contention of the Respondent/State, it appears that though there were total 10 criminal cases pending against the petitioner, in the case at hand the petitioner has disclosed only two FIRs. In this regard also before proceeding to take a decision in the case of the petitioner, the authorities are required to go through the complete details including the criminal antecedents of the petitioner.

7. It is no longer in dispute that mere disclosure of a criminal case by a candidate does not, by itself, confer an absolute right upon him to seek appointment. At the same time, pendency of a criminal case cannot, in every case, be treated as an automatic disqualification. The competent authority is required to consider the nature of the allegations, the stage of the criminal proceedings, their outcome, the antecedents of the candidate and other relevant circumstances in accordance with the applicable rules.

8. In the present case, the petitioner claims to have disclosed two criminal cases in the Attestation Form. However, the stand of the respondents is that as many as ten criminal cases are pending against him. Thus, there appears to be a material dispute with regard to the complete criminal antecedents of the petitioner. Before the petitioner's candidature is finally considered, the competent authority is required to verify the complete particulars of the cases said to be pending against him and thereafter take a decision regarding his suitability.

9. It is also well settled that the Police Force is a disciplined force and its members are entrusted with the onerous responsibility of maintaining law and order and public order. While considering the suitability of a candidate for appointment to the Police Force, the employer is entitled to examine the character and antecedents of the candidate in their entirety, having regard to the high degree of discipline, impeccable integrity and probity expected from a person seeking entry into such Force.

10. The fact that a candidate has disclosed the registration of an FIR or that the criminal proceedings are pending cannot, by itself, compel the employer to appoint him. Likewise, acquittal or discharge in a criminal case cannot, in every situation, result in an automatic conclusion that the candidate possesses an impeccable character. The competent authority is required to examine the nature of the allegations, the manner in which the criminal proceedings have culminated, if they have culminated, and the overall antecedents of the candidate.

11. In the facts of the present case, therefore, the petitioner cannot claim appointment as a matter of right merely on the ground that he has disclosed two criminal cases. However, the respondents are also required to consider his candidature objectively and in accordance with law after verifying his complete antecedents. This Court is not inclined to express any opinion either on the merits of the criminal cases

pending against the petitioner or on his ultimate suitability for appointment. Such consideration falls within the domain of the competent authority.

12. Accordingly, without expressing any opinion on the merits of the case, the writ petition is disposed of with a direction to the competent respondent authority to take a decision about the petitioner's claim for appointment on the basis of his selection. While undertaking the said exercise, the competent authority/screening committee shall verify the complete details including criminal antecedents of the petitioner as also the criminal cases disclosed by him as well as the other cases stated by the respondents to be pending against him. The authority shall also take into consideration the nature and gravity of the allegations, the present status of the proceedings, the manner of disclosure made by the petitioner and all other relevant facts having bearing upon his character and suitability for appointment.

13. The petitioner shall be at liberty to place before the competent authority all relevant documents and material which he seeks to rely upon in support of his candidature. After considering the material placed by the petitioner and the relevant record, the competent authority shall pass an appropriate, reasoned and speaking order in accordance with law. The entire exercise shall be completed at the earliest possible, preferably within an outer limit of 60 days from the date of receipt of a copy of this order.

14. With the aforesaid directions, the writ petition stands **disposed of**.

15. It is made clear that this Court has not expressed any opinion on the ultimate suitability of the petitioner for appointment. The competent authority/screening committee shall take an independent decision on the basis of the applicable rules, the complete details including criminal antecedents of the petitioner.

SD/-
(**Bibhu Datta Guru**)
JUDGE

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Headnote

While considering the suitability of a candidate for appointment to the Police Force, the employer is entitled to examine the character and antecedents of the candidate in their entirety, having regard to the high degree of discipline, impeccable integrity and probity expected from a person seeking entry into such Force.