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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 1523 OF 2026

SUDHIR LAXMAN GAIKWAD … **PETITIONER**

~ VERSUS ~

THE UNION OF INDIA, MINISTRY OF DEFENCE, THR. ITS SECRETARY AND 2 OTHERS … **RESPONDENTS**

APPEARANCES:

for the Petitioner	***Mr. Akshay Jagtap***
for Respondent No. 1	***Mr. Raviraj Chodankar, Central Govt. Standing Counsel***
for Respondent Nos. 2 & 3	***Mr. Ryan Menezes***

CORAM : VALMIKI MENEZES &
AMIT S. JAMSANDEKAR, JJ.

DATED : 2nd NOVEMBER 2026

ORAL ORDER: (per Valmiki Menezes, J.)

1. The Petitioner has thrown challenge to the communication dated 07.04.2025 issued by the Goa Shipyard Limited (***GSL***), cancelling the offer of appointment to the post of Management Trainee (Mechanical).

2. We have heard the rival contentions.

3. The learned Advocate for the Petitioner submits that the Petitioner applied for appointment to the said post with the GSL somewhere in the year 2023 and was offered with a letter of appointment on 28.10.2024. At the time of applying for the said post, the Petitioner had disclosed that FIR No. 1001/2022 dated 26.11.2022 is registered against him and various other family members on a complaint made by the sister-in-law (Victim), which were offences under Sections 498-A, 313, 354, 323, 504 and 506 of the Indian Penal Code of IPC.

4. It is the Petitioner's case that after the letter of appointment was given the Petitioner and his family members approached the Principal Bench of Bombay High Court and sought quashment of the FIR in the inherent jurisdiction of that Court and the brother of the Petitioner (husband of the Victim) paid a sum of Rs.12 Lakhs to the Victim. According to the Petitioner, the quashing of the FIR would establish that no offence was made out against him and therefore, the impugned communication rejecting his offer of employment on the ground that the allegations made in the complaint constitute an act adversely

reflecting upon his character and antecedents, was arbitrary and unsustainable in law. Reliance was placed on the judgment of the Supreme Court in the case of ***Gajula Thirupathi Vs. The Telangana State Level Police Recruitment Board & Others***, ***2026 SCC OnLine 1104***.

5. The Petitioner's contention is being opposed by Advocate Ryan Menezes appearing for the GSL to contend that the GSL has filed an affidavit, in which, it has dealt out the nature of the Establishment. It is further argued on the basis of the averments made in the affidavit that the GSL is a Central Public Sector Undertaking under Ministry of Defence manufacturing Ships for Indian Navy and Indian Coast Guard. It is submitted that the officer entrusted with the management, deals with highly sensitive and confidential information and therefore, is required to maintain a very high profile. In the light of this background, considering the specific allegations in the FIR wherein the Victim has alleged that the Petitioner attempted to sexually molest her, the GSL has taken a decision not to continue the offer of employment to the Petitioner. Reliance was placed on the decision of the Supreme

Court in the case of ***Avtar Singh Vs. Union of India & Others, (2016) 8 SCC 471***.

6. After considering the rival submissions, we are of the view that the decision taken by the GSL to withdraw the offer of employment is not misplaced.

7. **Gajula Thirupathi's** case (supra) was the case where the Petitioner has sought employment as Cadet Trainee Police Constable in the Police Force. The challenge therein was considered in the context of the specific facts and circumstances of that case, particularly, having regard to the fact that the Petitioner was seeking entry into the Police Force at the lowest level of its hierarchy.

8. In the present case, the Petitioner would be recruited as Management Trainee directly dealing with highly sensitive and confidential information pertaining to the Defence Forces as stated in the affidavit. In such circumstances, the Petitioner would be entrusted with responsibilities involving matters and functioning of the Defence Forces and it is expected by the said Establishment that such an employee should have an unblemished record.

9. In **Avtar Singh** (supra), the Hon'ble Supreme Court, while referring to **Gajula Thirupathi** (supra), involving facts similar to those of the present case, considered the various parameters that the employer has to consider before rejecting the employment, in cases against whom criminal offences are registered. The relevant paragraphs are quoted herein below:

> *"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."

10. We, therefore, apply observations made in the **Avtar Singh** (supra) to the facts and circumstances of the present case. We are left with no other choice but to conclude that the Petitioner recruited as Management Trainee, who would have to deal with sensitive information, may in the opinion of the GSL, was required to meet the standard and fit the profile expected of a person appointed to such a position that they are looking for. The GSL has considered the allegations made against the Petitioner and concluded that the decision taken by them is based upon the allegations made in the FIR, which would not support the trust that they would require to have in such an employee. We do not find anything arbitrary in the decision of the GSL vide communication dated 07.05.2025.

11. For the reasons stated above, we reject the Petition. No costs. However, we make it clear that the Petition has been rejected in the peculiar facts of this case, considering that the Petitioner had applied for a post of Management Trainee (Mechanical) in a Central Public

Sector Undertaking under Ministry of Defence Establishment. The Petitioner may, would have otherwise made out a case for being considered, were he not dealing with handling of sensitive information pertaining to the Defence Establishment.

12. Accordingly, the **Petition stands disposed of.**

[AMIT S. JAMSANDEKAR, J.] **[VALMIKI MENEZES, J.]**

Signed by: VAIGANKAR ESHA SAINATH
Designation: Personal Assistant
Date: 04/11/2026 15:42:24