IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2026

CORAM:

THE HONOURABLE MR. JUSTICE **R.SURESH KUMAR**

AND

THE HONOURABLE MR. JUSTICE **V. LAKSHMINARAYANAN**

W.A.No.3674 of 2025 &
CMP.No.30274 of 2025

1.State Bank of India,
Corporate Centre,
State Bank Bhavan,
Madame Cama Road,
Nariman Point, Mumbai – 400 021.

2.State Bank of India,
Local Head Office,
Circletop House', 5th Floor,
16, College Lane,
Nungambakkam, Chennai – 600 006. ... Appellants

Vs.

S.Kalavathi ... Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order of this Court dated 09.04.2025 in W.P.No.650 of 2022.

For Appellants :Mr.C.Mohan for
M/s.King and Partridge
For Respondent :Ms.Vaigai, Senior Counsel
for Ms. Anna Mathew

JUDGMENT

(JUDGMENT MADE BY V.LAKSHMINARAYANAN, J.)

The present appeal arises against the order of the learned Single Judge of this Court in W.P.No.650 of 2022 dated 09.04.2025.

2. The appellants are the respondents before the writ court. For the sake of convenience, the parties shall be referred to as per their ranks in the writ petition.

3. The writ petitioner applied pursuant to a recruitment notification issued by the respondents on 27.07.2020. The petitioner was called upon to take up a written examination and also an interview. The petitioner was successful in both the examinations and was issued an order of appointment on 12.03.2021. A joining order was issued by the respondents calling upon the petitioner to join in the Chennai Circle as a *Circle Based Officer* on 21.06.2021. The petitioner was kept on six months' probation.

4. On 19.08.2021, the petitioner was informed by the Regional Manager, State Bank of India, Chengalpet that it had come to their knowledge that her previous employer, namely, ICICI Bank Limited,

Puducherry had initiated a case against her and an FIR had been registered. She was called to produce a copy of the FIR and to furnish the details of the case. The petitioner submitted her explanation on 26.08.2021. In the said explanation, she informed that she has not received any official communication regarding the case filed against her or registration of the FIR. She added that she came to know about the alleged FIR only from the communication issued by the respondents. She declared that she had never been involved in any case and that, she had written to the HR team of ICICI Bank to clear her name. She assured that she will share the same as soon as she gets the details from them. She asserted that she confirmed from the Police Departments of the States of Tamil Nadu and Puducherry that no case has been filed against her. She attached the copies of her relieving letters, conduct certificates and the contact details of the reporting authorities of their previous assignments.

5. The Chief Manager (Compliance and Risk Management) of State Bank of India, Puducherry made an enquiry with the ICICI Bank, Puducherry and forwarded a report. This report was sent on 30.09.2021 and it is stated that the Chief Manager (C & O) had enquired with the Deputy Branch Manager, ICICI Branch, Puducherry on 28.09.2021 and from such enquiry, it came to his knowledge that

the petitioner had misappropriated the funds of a senior citizen and a complaint had been lodged by his son with the Bank. The enquiry report further stated that the Risk Containment Unit of ICICI Bank had lodged a complaint against the writ petitioner but the details and the findings of the FIR have not been shared by the Risk Containment Unit with the Puducherry Branch. The enquriy report further stated that even before initiation of the enquiry, the writ petitioner submitted her resignation and left the services of the ICICI Bank.

6. Acting on the report so submitted, a show cause notice was issued to the petitioner on 21.10.2021. On 25.10.2021, the petitioner issued a reply reiterating the contentions that she had raised earlier. She also requested the bank to share the adverse referee report so as to enable her to verify the same with the ICICI Bank and give a proper explanation thereto. On the very same day, the respondents replied that the referee report/previous employer’s report is a confidential document and the same cannot be shared. It is on record that on 21.06.2021, the Grand Bazaar Police Station issued a certificate stating that the petitioner had not been convicted in any criminal case and no adverse remarks had been noticed against her as per their records.

7. Enclosing the said certificates, the petitioner issued a response on 28.10.2021, *inter alia,* stating that she has not been issued with any notice or memo by the ICICI Bank and that she is totally innocent. She pointed out that the referee might have been misinformed that there was an FIR pending against her and that, she sought time to get the details verified from the previous employer. The respondents, through its General Manager, issued an order on 25.11.2021 relieving her from service with immediate effect as her explanation was not satisfactory. This order was impugned in the writ petition.

8. The petitioner pleaded that she had not suppressed any material facts, and the accusation made against her was for the first time brought to her notice and that too, after she had been relieved from ICICI Bank. She stated that the order of termination was punitive in nature and that, no enquiry had been conducted into a grave charges. She pointed out that she had been called for informal enquiry, as she was the relationship manager, for the senior citizen/ customer. She stated that no show cause notice or charge sheet was ever issued to her by the ICICI Bank. Instead, ICICI Bank had accepted her resignation and relieved her from services.

9. The petitioner relied upon Rule 16(3)(a) of the State Bank of India Officers' Service Rules of 1992 to point out that even a probationer is entitled to one month's notice or payment of one month emolument in lieu of notice and this too, had not been followed in the present case.

10. The petitioner stated that she had been appointed as a Deputy Manager in ICICI Bank in 2016 and the impugned order of termination questions her integrity and credibility. She pleaded that on account of the impugned order, she will not be qualified for any job either in the banking or non-banking sector as she had been charged with serious financial irregularities, which had resulted in stigma and loss of reputation. On these and other grounds, she sought for quashing of the impugned order.

11. This court entertained the writ petition and called upon the respondents to file a counter.

12. The respondents filed a counter stating that in terms of Clause 16 of the recruitment notification, if it is detected, at any stage of recruitment that the candidate does not fulfil the eligibility norms or has furnished false and incorrect information or has suppressed the

material facts, appointment will stand cancelled and the services will stand terminated. The counter admits that the petitioner cleared the written examination on 28.11.2020 as well as the interview conducted on 14.02.2021 and was issued with an appointment order on 12.03.2021. The counter urged that the appointment was subject to satisfactory completion of pre-appointment formalities, including verification of satisfactory reports from two referees nominated by the petitioner.

13. The counter further stated that during the period of probation, the bank, on verification, came to know that an FIR had been registered against the petitioner by her former employer, M/s.ICICI Bank and consequently, issued a show cause notice to her. As the response to the show cause notice was not satisfactory, the services of the petitioner had been terminated. It was pleaded that every bank employee should possess absolute devotion, integrity and honesty as they are dealing with public money and since the referee report clearly shows that the petitioner had suppressed material facts in the application, she is not fit for holding any post with the respondent bank.

14. Insofar as the plea on non-compliance with Rule 16(3)(a) of the Rules, 1992, is concerned, the respondents stated that on 11.02.2022, by way of abundant caution, they had credited the petitioner's salary.

15. The counter added that the respondents only acted upon the referee report as nominated by the petitioner, followed by an independent investigation conducted by them. They supported the impugned order pleading that the petitioner had suppressed the previous employer's complaint and hence, she is not entitled for any relief in the writ petition. The counter added that the petitioner is an officer on probation, who had obtained her appointment by violating the terms and conditions of the advertisement and offer to appointment, the same cannot be equated with an officer, who had been confirmed in the services of the bank whose termination would warrant a departmental proceeding. An additional counter was filed by the respondents reiterating the very same contentions.

16. With the pleadings having been completed, the learned Single Judge took up the writ for disposal.

17. The learned Single Judge referred to columns 16 to 19 of the recruitment notification and held that the petitioner had cleared all doubts regarding her antecedents, including the alleged registration of an FIR, by producing a certificate from the Grand Bazaar Police Station, Puducherry dated 26.10.2021. She pointed out that withholding of the referral report is in violation of principles of natural justice. She also held that as no adverse remarks or proceedings were pending against the petitioner, Clause (vii) of the Important Note and 1(E), cannot be invoked against the petitioner.

18. The learned Single Judge also held that there was no suppression of material facts, since her previous employer had neither issued a notice nor conducted an enquiry and therefore, the issue of her not disclosing the information does not arise. She further held that as the allegations were punitive in nature and since it cast a stigma on the petitioner's character and antecedents and as the impugned order has caused serious imputations on the character and antecedents of the petitioner, a detailed enquiry ought to have been conducted by giving the petitioner an opportunity to prove her innocence. As the impugned order of termination is stigmatic, she held that she was constrained to interfere.

19. On the plea of the bank that a probationer does not have a right, she rejected the same relying upon the judgment of the Supreme Court in ***State Bank of India and Others v. Palak Modi and Another, 2013 (3) SCC 607***. She found force in the submission of the petitioner that the impugned order is in violation of Rule 16 (3) (a) of the State Bank of India Officers' Service Rules, 1992. On the basis of these discussions, the writ petition was allowed. Aggrieved by the same, the present writ appeal.

20. We heard Mr.C.Mohan for M/s.King and Partridge for the Appellants/respondent and Ms.Vaigai, learned Senior Counsel for Ms. Anna Mathew for the caveator/writ petitioner.

21. Mr.C.Mohan made the following submissions:

(i) Inviting our attention to the clause (vii) under the heading Important Note, he pointed out that the candidates against whom there are adverse reports regarding character and antecedents, moral turpitude etc., the notification had made it clear that such persons are not liable to apply for the post.

(ii) He pointed out that in terms of Clause 16 of the recruitment notification, the respondents are entitled to terminate the service upon discovery of suppression of material facts. As the action of the bank is based on the confidential referee report and an internal verification, which pointed out the writ petitioner's general unsuitability, there is no necessity for the rigours of an enquiry by the bank.

(iii) The writ petitioner had failed to disclose the past enquiries or pending issues, despite specific questions in the application form and therefore, the order cannot be impugned.

(iv) The respondents have the prerogative to ensure absolute integrity and trustworthiness in sensitive posts involving public funds, and as the adverse referee report concluded on the petitioner's unsuitability, the order impugned in this appeal deserves to be interfered with.

22. Mr.C.Mohan cited the following decisions in order to support his contentions.

(i) ***Satish Chandra Yadav v. Union of India and Others, (2023) 7 SCC 536***;

(ii) ***Rajasthan Rajya Vidyut Prasaran Nigam Limited and Another v. Anil Kanwariya, (2021) 10 SCC 136***;

(iii) ***Daya Shankar Yadav v. Union of India and Others, (2010) 14 SCC 103***;

(iv) ***Kendriya Vidyalaya Sangathan and Others v. Ram Ratan Yadav, (2003) 3 SCC 437***;

(v) ***Chairman and Managing Director, United Commercial Bank and Others v. P.C. Kakkar, (2003) 4 SCC 364***;

(vi) ***Delhi Administration v. Sushil Kumar, (1996) 11 SCC 605***;

(vii) ***Yogesh Kumar and Others v. Government of NCT, Delhi and Others, (2003) 3 SCC 548***;

(viii) ***Chief Manager, Punjab National Bank and Another v. Anit Kumar Das, (2021) 12 SCC 80***;

(ix) ***Deputy General Manager (Appellate Authority) and Others v. Ajai Kumar Srivastava, (2021) 2 SCC 612***;

(x) ***P. Karthikeyan v. General Manager, State Bank of India, 2025 SCC OnLine Mad 3238***;

(xi) ***Boloram Bordoloi v. Lakhimi Gaolia Bank and Others, (2021) 3 SCC 806***;

(xii) ***State Bank of India v. A.G.D. Reddy, (2023) 14 SCC 391***;

(xiii) ***State Bank of India and Others v. Ramadhar Sao, 2025 SCC OnLine SC 1752***; and

(xiv) ***Union of India and Others v. Indraj, 2025 SCC OnLine SC 2441***.

23. We have carefully considered the submissions of Mr.C.Mohan and have gone through the records. We have applied our minds to the facts of the case.

24. A reading of the impugned order shows that the petitioner's service was terminated on the ground that a referee report of her previous employer was adverse to the writ petitioner. The respondents have also said to have made an independent enquiry and it was confirmed that the writ petitioner was alleged to have been involved in such misappropriation of funds from a customer's account during her tenure at the ICICI Bank. The order also states that the petitioner had not disclosed the aforesaid facts in her bio data cum attestation forms submitted at the time of interview on 14.02.2021. Since the adverse report has been received as regards the misappropriation which has a bearing on the petitioner's character and antecedents, she is being terminated from service with immediate effect.

25. During the course of argument, we repeatedly called upon Mr.C.Mohan to produce the alleged First Information Report lodged against the writ petitioner. Mr.C.Mohan responded that lodging of the FIR and the copy thereof are available only with the ICICI Bank and therefore, the respondents are not in a position to produce the same.

He relied upon paragraph 8 of the affidavit to state that the petitioner had accepted that a complaint had been lodged against her and therefore, there is no necessity for the bank to produce the FIR. A reading of the said paragraph does not disclose any such admission. On the contrary, it states the writ petitioner had no knowledge about the complaint. It adds that the petitioner had no financial power.

26. A perusal of the online application filed by the petitioner discloses the following particulars:

> *"16. Particulars of any prosecution / detention / fine / conviction / sentence against you awarded by any court of law for any offence – NIL*
>
> *17. Particulars of cases pending against you in any court of law including case (s) for non-payment of any loan from Banks/Financial Institutions – NIL.*
>
> *18. Particulars of disqualification /debarment by any Service Commission, examining body at their selection/examination – NIL*
>
> *19. Particulars of any case(s) of disciplinary action initiated /pending against you by your present or previous employer(s). Please also state whether you were debarred from appearing in any promotional examination – NIL."*

27. A reading of this shows that as per clause 16, the petitioner was called upon to disclose, if any prosecution or detention or

conviction or sentence had been awarded against her and if so, to furnish the details in the application. Clause 17 relates to disclosure of cases regarding proceedings initiated against the applicant with respect to bank debts. Clause 18 deals with disqualification or debarment by any recruiting agency. Clause 19 speaks about any disciplinary action initiated against the applicant by the present or previous employers. It is not in dispute that to all these queries the petitioner had answered NIL.

28. The position of law is well settled. If there had been a criminal case or a recovery suit or disqualification by any service commission or examining bodies or any disciplinary action initiated and all or any of these facts have been suppressed, the applicant is not entitled to be considered. The word "prosecution" implies that either police complaint or a private complaint should have been lodged against the applicant, the petitioner herein.

29. Insofar as FIR is concerned, there is absolutely nothing on record to show that a complaint had been lodged or an FIR had been registered against the writ petitioner. On the contrary, a certificate from the ICICI bank had been enclosed showing that ICICI bank has accepted the resignation of the petitioner and she stands relieved with

effect from 14.08.2019. In fact, the certificate shows that the ICICI Bank wishes the employee/the writ petitioner success in all her future endeavour. If an FIR had been filed or if a departmental enquiry had been initiated, such a relieving letter would not have been issued by the ICICI Bank.

30. Furthermore, the petitioner can be said to have suppressed the fact, only if it is within her knowledge and the same had not been disclosed at the time of application. The certificate issued by the police authorities on 26.10.2021 reads as follows:

> *"This is to certify that Tmt. S.Kalavathi (28), W/o R.Sriram, is a resident of No.427/3, Main Road, Perumpakkam, Villupuram Dist. Tamilnadu. She has not been convicted in any criminal case and no adverse remarks noticed against as per the records maintained in Grand Bazaar Police Station, Puducherry.*
>
> *This Certificate issued to her as per the reference vide No.RM-IV/2021-22/HR/11/658 of SBI, for the post of Circle Based Officer at State Bank of India, Singaperumal Koil Branch, Chengalpet, Tamilnadu."*

31. We have referred to the relieving letter from ICICI Bank as well as the certificate to show that the petitioner cannot be alleged to have the knowledge of an FIR, which is not available on record of the

police nor can she be accused of having suppressed disciplinary proceedings, when the relieving order does not refer to any. Unless and until the respondents are in a position to produce records to show that the petitioner was aware about the FIR (even though nothing exists on the record of the police), or disciplinary proceedings initiated against the petitioner as she had suppressed the same, she cannot be accused of having suppressed the material facts.

32. This position has been gone into detail by the Supreme Court in ***M.Manohar Reddy and another v. Union of India, AIR 2013 SC 795***. We respectfully apply the said judgment to the facts of the case and come to a conclusion that the petitioner cannot be held to be guilty of having suppressed any material facts, when no FIR had ever been filed against her.

33. We would also usefully refer to a judgment of a Division Bench of this Court in ***S.Venkateswaran v. Chief Secretary, Government of Tamil Nadu and Others, MANU/TN/1556/2016***. The writ petitioner therein challenged the appointment of a person appointed as a District Judge. It was pleaded that, at the time of submission of application for recruitment, the candidate had suppressed his involvement in a criminal proceeding, which had, in

fact, culminated in the filing of the charge sheet. The petitioner alleged that as the respondents therein had suppressed the criminal investigation, his appointment is liable to be interfered with. The Division Bench held that at no point of time, had the investigation officer either arrested the accused or called the selected candidate for interrogation and therefore, in all probability, the accused might not have been aware of the fact that he had been arrayed as an accused. Relying upon the judgment in ***Manohar Reddy***'s case cited supra, the court held that the writ petition is misconceived and consequently, dismissed the same.

34. The facts in this writ appeal disclose a better case than in ***Manohar Reddy'***s case and in ***S.Venkateshwaran***'s case. At least in those cases, criminal complaints had been registered, which were later converted into final report filed by the Police. Even in such circumstances, the Supreme Court and this court held that unless and until, the pendency of the case is within the knowledge of the accused, he or she cannot be said to have suppressed the material facts. In the case before us, there is no FIR registered at all. In addition, there is a report of the Police pointing out that no complaint had been registered against the writ petitioner, nor has she ever come under the adverse notice of the Police authorities. The relieving letter

issued by the previous employer, ICICI Bank also not only does not refer to any disciplinary proceedings or criminal complaint, but expressly records that the Bank wishes her success in her future endeavour. Hence, we are of the clear view that the plea of Mr.C.Mohan that the writ petitioner had suppressed the material facts does not have any basis. Accordingly, we reject the same.

35. Another aspect we have to point out is the reliance placed upon by Mr.CMohan on a letter dated 11.08.2021 said to have been issued by one of the two referees specified by the writ petitioner in column 21 of the application. Mr.Muthukrishnan, Regional Head, ICICI Bank, had informed the respondents that an FIR had been registered against the petitioner. He added that the respondents to get in touch with one Mr.J.Saravana Kumar, Regional Head of ICICI Bank, Puducherry, where the petitioner had worked, or contact the concerned Branch Manager, namely, Mr.Naresh to get further clarification. The referee’s letter has been placed before us. No details about the alleged FIR has been furnished. This endorsement cannot be relied upon when the Police have certified there is no such complaint nor had the petitioner come under any adverse report.

36. On a pointed query from us, as to whether the respondents got in touch with the aforesaid persons as suggested by the referee, Mr.C.Mohan responded in the negative. Furthermore, the Chief Manager (C & O), who had submitted the enquiry report, had not enquired with either of the aforesaid persons, but with one P.Thiyagarajan, Deputy Branch Manager of the Puducherry Branch. Even during the course of this enquiry, FIR was not forthcoming. Though Mr.Muthukrishnan's letter would state that an FIR had been filed against Kalavathi/the writ petitioner, he had himself suggested a clarification be obtained from the Regional Head and the Branch Manager. No efforts seems to have been taken to contact the persons and get clarifications. The original of the referee report has been produced before us which is enclosed in page 70 of the typed set of papers. In the said form, Mr.Muthukrishnan has returned as follows:

> *"Heard from ICICI Pondicherry Regional Head about lot of issues through the candidate. Hence, please call or send letter to Mr.Sarvana Kumar, J. Regional Head, ICICI Bank or please call B.M. Naresh."*

The form also says FIR filed against her. The referee has not stated that the filing of an FIR was within his personal knowledge, but only that he had heard from some third party about the issues relating to the candidate.

37. The respondents had in fact called upon the petitioner to submit the FIR and she had, in no uncertain terms, responded that there was no case filed against her nor was any enquiry initiated against her. She pointed out that she had properly been relieved from the service. Not stopping with that, she had also written an Email to Mr.Saravana Kumar and also to Mr.Muthukrishan. In response to the Email sent on November 24th 2021, Mr.J.Saravana Kumar had sent a following reply:

> *"This has reference to our telecall on 26th November, wherein, the factual position of the case under reference was duly communicated in its entirety. Under the circumstances, we treat the matter as closed."*

38. The petitioner had forwarded the said Email on that very day to the respondents. Had an FIR been registered or any enquiry been pending, it is obvious that Mr.J.Saravana Kumar would have responded so to the Email. This shows that merely on the basis of the statement of a referee and an enquiry conducted with an unconnected person, the petitioner has been stigmatised and removed from employment.

39. A reading of the impugned order of termination shows that several allegations had been made against the petitioner. The impugned order states that,

(i) the petitioner has a doubtful character in work;

(ii) she was involved in serious financial irregularities;

(iii) she had suppressed the facts in bio-data cum attestation form;

(iv) her antecedents are doubtful.

All these shows that the petitioner has been stigmatised as a person of no moral or financial worth and, consequently, was held to be not entitled to continue in the service of the respondents. When the impugned order reads so, we are of the view that the reliance placed upon by the learned Single Judge in the case of ***State Bank of India and others v. Palak Modi and Others, (2013) 3 SCC 607*** is absolutely justified.

40. The bank had not verified with the Police, despite having a certificate to the contrary on record. There is no reference to the said certificate in the letter, nor to the several explanations that were given by the petitioner pleading innocence. A casual reading of the impugned order shows that the explanations given by the petitioner were not even referred to, let alone, considered.

41. Mr.C.Mohan pleaded that 14 authorities relied upon by him will lead us to a conclusion that the view of the learned Single Judge is contrary to the position of law laid down by the Supreme Court and this Court. Hence, we will analyse each and every one of the judgments.

42. The first of the judgments relied upon by Mr.Mohan is the judgment of the Supreme Court in ***Satish Chandra Yadav v. Union of India and Others, (2023) 7 SCC 536***. The appeal before the Supreme Court arose at the instance of two employees, who had been appointed to the uniformed service of CRPF. Satish Chandra Yadav was a constable (GD) and the other appellant had been appointed as Sub Inspector (GD). Both of them had been dismissed from service on account of suppression of criminal cases pending against them at the time of recruitment. The Supreme Court upheld the order of dismissal holding that the suppression of material information and making false statement in the verification form relating to arrest, prosecution, conviction etc., has a clear bearing on the character, conduct and antecedents of the employees and hence, such persons can be terminated from service.

43. In the case of ***Satish Chandra Yadav***, not only registration of the FIR suppressed, but there was also an additional suppression by the petitioner therein, of having surrendered before the Chief Judicial Magistrate, and having obtained bail. The appellant had also suppressed that a criminal case in FIR No.1015 of 2008 was registered and pending against him for the offences under Sections 147, 323, 324, 504 and 506 of IPC.

44. Similarly, in the case of ***Puspendra Kumar Yadav***, the second appellant in ***Satish Chandra Yadav*** had suppressed that the case was pending against him in Crime No.261/2002 on the file of Khajni Police Station, District Gorakhpur, Uttar Pradesh, at the time of filing of the application. Though Pushpendra Kumar Yadav had taken a plea that he was not aware of the case, it was brought to the notice of the Court that the said appellant had obtained bail from the Sessions Court at Gorakhpur and had also received the charge sheet much before filing of his application for recruitment.

45. After a detailed survey of law, the Supreme Court held that a person, especially in uniformed service, who suppresses material facts, is not entitled to continue in service. This judgment, in our view, does not assist Mr.C.Mohan as in both the cases, FIR had been

registered, bail had been obtained and these facts had been kept away from the appointing authority. In the case before us, there is no FIR, no departmental enquiry and all that the respondents have today is a statement made by a referee that he heard that an FIR had been filed and that the Puducherry branch had some issues through her. Factually, when there is no FIR, no departmental enquiry, nor any evidence to show that the proceedings were pending against the petitioner and that she had suppressed the same, despite the knowledge, the foundational case fundamentally varies from the case cited by Mr.C.Mohan.

46. The next judgment that he relies upon is the judgment of the Supreme Court in ***Rajasthan Rajya Vidyut Prasaran Nigam Limited and Another v. Anil Kanwariya, (2021) 10 SCC 136***. In that case too, there was a case of deliberate suppression. The respondent, before the Supreme Court, had suppressed the fact that he had been convicted by the Trial Court for the offences under Sections 341 and 323 of IPC and had been given the benefit under the Probation of Offenders Act, 1958. It was in those circumstances that, the Supreme Court came to the conclusion that the suppression of material facts had rightly invited an order of dismissal. The reasoning

that we have given for ***Satish Chandra Yadav***'s case applies in this case too.

47. Similar is the situation with respect to the third case i.e., ***Daya Shankar Yadav v. Union of India and Others, (2010) 14 SCC 103***. The petitioner therein had suppressed that a criminal case had been registered against him by the Police at Bahariya and that, he had been subsequently discharged from the case. We have to reiterate that in the case on hand, the respondents have not been in a position to show that the writ petitioner was aware of the existence of FIR or of any existence of departmental proceedings and had suppressed the same from them.

48. The next judgment is ***Kendriya Vidyalaya Sangathan and Others v. Ram Ratan Yadav, (2003) 3 SCC 437***. Paragraph 11 of the said judgment makes it clear that the respondent therein had deliberately suppressed the criminal case registered against him under Sections 323, 341, 294, 506 read with Section 34 of IPC. The plea that was taken before the Supreme Court was that the petitioner did not understand the meaning of the words "*prosecution*" or "*conviction*" and, under misconceived notion, had filled the application form. The Court held that the petitioner, who possessed degrees in B.A., B.Ed., and

M.Ed., cannot be held to have misunderstood, especially when he had correctly filed column Nos.1 to 11. Even though the complaint was subsequently withdrawn, the Supreme Court held that as there has been suppression of information, the order of dismissal cannot be found fault with.

49. Insofar as the judgments in

(i) Chairman and Managing Director, United Commercial Bank and Others v. P.C. Kakkar, (2003) 4 SCC 364;

(ii) Deputy General Manager (Appellate Authority) and Others v. Ajai Kumar Srivastava, (2021) 2 SCC 612;

(iii) Boloram Bordoloi v. Lakhimi Gaolia Bank and Others, (2021) 3 SCC 806; and

(iv) State Bank of India v. A.G.D. Reddy, (2023) 14 SCC 391

are concerned, these were cases which dealt with the scope of interference by the High Court under Article 226 or under Article 32 or Article 136 with respect to departmental enquiries. We are not in a position to make these authorities helpful to the respondents. Admittedly, no enquiry had been conducted and therefore, reliance on the scope of interference under Article 226 in such an order does not arise at all in the present case. We should further point out that in ***P.C. Kakkar***'s case, he had committed several acts of misconduct while functioning as Assistant Manager of the United Commercial Bank. An enquiry was conducted and charges levied against him were found to have been proved. Similarly, in the case of ***Ajai Kumar Srivastava***, he was found to have misappropriated bank's funds and a criminal case had been charged against him and he was charged under Sections 420, 467, 468 and 471 read with Section 120-B of the IPC and Section 13 (2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988.

50. In these cases, the respective delinquents had gone through the entire process of departmental enquiry and found guilty. That is not the situation before us. To reiterate, the respondents have not been in a position to show, an FIR had been filed against the petitioner, nor that her previous employer, ICICI Bank had initiated any departmental proceedings against her.

51. Insofar as the judgment in ***Delhi Admn. v. Sushil Kumar, (1996) 11 SCC 605*** is concerned, in that case too, the respondent before the Supreme Court had committed offences punishable under Sections 304, 324 read with Section 34 of IPC. The respondent therein had been provisionally selected as constable. The appointment was cancelled and the Court pointed out what is relevant is the conduct or

character of the candidate to be appointed to a service and not the actual result of the criminal trial. This judgment too, in our opinion, does not advance the case of Mr.C.Mohan.

52. Insofar as the judgment in ***Yogesh Kumar and Others v. Govt. of NCT, Delhi and Others, (2003) 3 SCC 548*** is concerned, the challenge in that case was exclusion of candidates, who possessed higher qualification than the prescribed qualification. The court held that the recruitment must be strictly in terms of the advertisement and recruitment Rules, if any and that as the recruitment agency had decided not to have B.Ed candidates to be appointed to the post of Assistant Teachers in the primary schools of Municipal Corporation, Delhi, it is not for the Court to dictate as regards the recruitment of the employer. This case has absolutely no connection with the plea that Mr.C.Mohan urges against the writ petitioner.

53. Insofar as the judgment in ***Chief Manager, Punjab National Bank and Another v. Anit Kumar Das, (2021) 12 SCC 80*** is concerned, that too was a case of suppression of material facts. Punjab National Bank had issued an advertisement calling for the persons to apply to the post of peon. The advertisement called upon the candidates of having passed 12th class alone to apply and had

specifically excluded persons who are graduates as on 01.01.2016. The respondent, before the Supreme Court on the date of filing of the application, was a graduate. He suppressed the fact and applied to the post of peon. The Supreme Court held that this act of material suppression justifies the cancellation of candidature and consequently, set aside the order of the High Court. There is no quarrel with the proposition that a person, who had suppressed material facts from the employer, is not entitled to appointment. As there being no suppression in the present case, we are not in a position to apply the said judgment to the facts of the present case.

54. The next judgment relied upon is one rendered by the very same learned Single Judge, who had allowed the writ petition in the present case. It is in ***P. Karthikeyan v. General Manager, State Bank of India, 2025 SCC OnLine Mad 3238***. That was a case where a candidate had applied under the very same recruitment notification as in the present case. The candidate had been classified as a defaulter by CIBIL. The CIBIL report revealed that the petitioner therein had 9 irregular credit facilities and more than 10 credit enquiries during the period 2016 to 2021 ranging from Rs.1,000 to Rs.30,00,000/-. In those circumstances, the bank had considered the abnormal number of credit enquiries against the candidate as severe

financial indiscipline and hence, invoked the important Note 1(E), which reads "*Candidates with record of default in repayment of loans/credit card dues and/or against whose name adverse report of CIBIL or other external agencies are available are not eligible for appointment.*"

55. It was not in dispute by the petitioner therein that he had been treated as a defaulter by CIBIL but he urged that he will not be covered by 1(E), pleading that he had repaid the loans. This situation does not arise here in the present case. The adverse report, which Mr.C.Mohan relies upon, cannot be treated as adverse at all as pointed by us earlier. It was the statement which was heard by a referee and it was totally not supported by any record. Consequently, this judgment too, cannot be relied upon.

56. The next judgment relied upon by Mr.C.Mohan is ***State Bank of India and Others v. Ramadhar Sao, 2025 SCC OnLine SC 1752***. The facts of that case reveal that the respondents before the Supreme Court had received bribes for sanction of loans and had been absent from duty and had been executing loan documents while at his residence. A detailed enquiry was conducted and an order of dismissal from service was passed. The High Court had upheld the order of the

learned Single Judge, who had set aside the punishment and remanded the matter for fresh disposal. Challenging the same, the bank approached the Supreme Court. The Supreme Court held that the proved charge against the employer was that he was acting as a conduit for getting the loans sanctioned and that he had admitted his guilt and sought mercy. It found fault with the High Court for having interfered with such a case and set aside the order. This judgment too, in our opinion, is not applicable to the facts of the case. The writ petitioner had not accepted the fact that an FIR had been registered against her but on the contrary, it has been her consistent plea that she is an innocent. In addition, she had also produced certificates from the police authorities pointing that no case had been registered against her. Hence, this judgment has absolutely no application to the facts of the case.

57. The last judgment relied upon by Mr.C.Mohan is ***Union of India and Others v. Indraj, 2025 SCC OnLine SC 2441***. In that case too, the respondent before the Supreme Court had misappropriated public funds and had been dismissed from service. The High Court had held that no evidence of misappropriation had been made out. The Supreme Court held that documents that had been produced during the course of enquiry established the factum of

embezzlement and the High Court ought not to have interfered with the order of the disciplinary authority, when there is no defect or error pointed in the same. This judgment too, in our view, is not applicable to the facts of the case.

58. Before concluding, we should point out that Mr.Justice Pardiwala, speaking for himself and Mr.Justice Surya Kant, in ***Satish Chandra Yadav***'s case, has pointed out that the High Court can interfere with the order passed by the administrative authorities, when they suffer from bad faith of decision-makers, or exercise of discretion for improper purpose, or application of irrelevant considerations or unreasonableness. We find more than one of these vices in the order impugned before the writ court.

59. We do not find any error in the order passed by the Court on 09.04.2025. The petitioner had been stigmatised, as a person who is unworthy and bereft of any moral worth, on the basis of a hearsay statement made by a referee and an enquiry conducted by an officer of the respondents with persons, who were not named by a referee, in his report. The enquiry report, which is a crucial document, was kept away from the petitioner and the respondents had ignored the Emails

that had been sent by the Branch Manager treating the matter as closed as well as the certificate issued by the Police.

60. In the light of the above discussion, we absolutely do not find any merit in the case. Accordingly, this writ appeal is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

R.S.K., J. **V.L.N., J.**
05.01.2026

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Neutral Citation : Yes

R.SURESH KUMAR, J.
AND
V. LAKSHMINARAYANAN. J.
nl

W.A.No.3674 of 2025

05.01.2026