



CWP-9938-2026

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP-9938-2026
DECIDED ON: 06.042026

AMIT YADAV

... PETITIONER

VS

UNION OF INDIA AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Virender Kumar, Advocate
for the petitioner.

SANDEEP MOUDGIL, J**Prayer**

1. The present writ petition under Articles 226/227 of the Constitution of India has been filed seeking issuance of a writ in the nature of certiorari for quashing the impugned order dated 23.03.2026 whereby the services of the petitioner have been terminated on the ground of suppression of criminal antecedents, along with a consequential prayer for reinstatement with all benefits.

Brief Facts

2. The brief facts necessary for adjudication are that the petitioner was appointed as Constable/Driver in the Central Industrial Security Force and was undergoing probation. During verification of character and antecedents, it was revealed that the petitioner had been involved in NCR No. 49/2019 under Sections 323 and 506 IPC and FIR No. 86/2022 under Sections 323, 307 (deleted) and 506 IPC. It is an admitted position that the petitioner did not disclose the aforesaid criminal cases in the attestation form submitted at the



time of appointment. Upon consideration by the competent authority and the Screening Committee, the petitioner was declared unsuitable for service, leading to the passing of the impugned order of termination during the period of probation.

Submissions

On behalf of the Petitioner

3. Learned counsel for the petitioner submits that there was no deliberate suppression of facts as the petitioner had no knowledge of the earlier NCR and was under the bona fide belief that the subsequent FIR had been settled and closed. It is further contended that the petitioner has since been acquitted in the criminal case and, therefore, the continuation of the impugned order is unjustified. It is also argued that no opportunity of hearing was granted to the petitioner before passing the order of termination, rendering the same violative of principles of natural justice.

4. Reliance has been placed upon the judgment of the Hon'ble Supreme Court in *Avtar Singh vs. Union of India & others; (2016) 8 SCC 471* to contend that suppression must be deliberate and that in cases involving trivial offences or subsequent acquittal, the employer ought to take a lenient view.

Analysis

5. This Court has considered the rival submissions and perused the record. The central issue that arises for determination is whether the action of the respondents in terminating the services of the petitioner on account of suppression of criminal antecedents suffers from any illegality or arbitrariness warranting interference in exercise of writ jurisdiction.

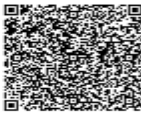


6. It is not disputed that the petitioner did not disclose the involvement in the aforesaid criminal cases while filling the attestation form. The requirement of disclosure in such forms is neither ornamental nor optional. It is intended to enable the employer to assess the suitability and character of a candidate, especially in uniformed services. Even assuming that the petitioner had no knowledge of the NCR, the fact remains that the FIR of 2022 existed and was not disclosed. The obligation to furnish complete and truthful information is absolute and any suppression thereof is a serious matter.

7. The reliance placed by the petitioner on *Avtar Singh's case (supra)* does not advance his case. The said judgment indeed lays down that the employer must consider the nature of the offence, the extent of suppression, and whether the suppression was intentional. However, the same judgment also categorically recognizes the discretion of the employer to determine suitability and holds that suppression of material information itself can be a valid ground for termination. It further clarifies that even in cases of acquittal, the employer is not bound to appoint or continue a candidate if the antecedents are not found satisfactory.

8. In the present case, the competent authority constituted a Screening Committee which, after evaluating the entire material, declared the petitioner unsuitable for service.

9. The petitioner was admittedly on probation. It is well settled that a probationer has no vested right to continue in service and can be discharged if found unsuitable. The impugned order is not punitive in nature but is founded on the assessment of suitability based on suppression of material facts. Therefore, the argument regarding violation of principles of natural



justice by non-grant of a prior hearing does not merit acceptance in the facts of the present case.

10. The subsequent acquittal of the petitioner in the criminal case also does not come to his aid. The relevant consideration is the conduct of the petitioner at the time of entering service and the truthfulness of the information furnished. The suppression of material facts at the threshold disentitles the petitioner from claiming equitable relief.

11. In matters concerning recruitment and continuation in disciplined forces, the scope of judicial review is limited. Unless the decision is shown to be arbitrary, perverse or in violation of statutory provisions, this Court would not interfere with the employer’s assessment of suitability. In the present case, the decision of the respondents is based on relevant considerations and cannot be said to suffer from any illegality.

Conclusion

12. In view of the aforesaid discussion, this Court finds no merit in the present writ petition. The impugned order does not call for interference.

13. Accordingly, the writ petition stands dismissed.

14. Pending application, if any, also stand disposed of.

06.04.2026
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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No