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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\# **CNR No. DLHC010499992026**

\+ W.P.(C) 15335/2026, CM APPL. 71974/2026 & CM APPL. 71975/2026

GOVT OF NCT OF DELHI & ORS. .....Petitioners

Through: Mr. Himanshu Sethi, SPC with Ms. Aishwarya Chhabra and Ms. Nikita Sethi, Advs.

versus

MANSUKHA MEENA .....Respondent

Through: Mr. Sachin Chauhan and Ms. Ridhi Dua, Advs.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MS. JUSTICE NIVEDITA ANIL SHARMA

JUDGMENT (ORAL)

% 28.10.2026

C. HARI SHANKAR, J.

1. The respondent sought appointment to the post of MTS (Barber) (Civilian) in the Delhi Police. The recruitment took place for the year 2017. The respondent was provisionally selected, subject to verification of character and antecedents.

2. Prior to filing up of the attestation and verification form for the purposes of the above recruitment on 19 March 2020, the respondent had been implicated along with his father, with respect to a scuffle which had taken place in his village, under Sections 353, 332 and 504

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of the Indian Penal Code, 1860 at PS Mahwa, District Dausa, Rajasthan in FIR 258/2015. The proceedings which followed culminated in the respondent's acquittal *vide* judgment dated 7 June 2019 by the learned Additional Chief Judicial Magistrate, Mahwa.

3. On 19 March 2020, when the respondent filled up the attestation/verification form for recruitment to the post of MTS (Barber)(Civilian), against the column which required him to disclose as to whether any FIR had been registered against him or whether he had been prosecuted, convicted or kept under detention in any criminal case, the respondent answered in the negative. However, on 19 February 2021, the respondent submitted an affidavit to the petitioner, disclosing the fact that FIR 258/2015 had in fact been registered against him though he was acquitted in the proceedings which followed thereupon.

4. Thereafter, on 31 March 2021, the Delhi Police issued a show cause notice to the respondent, alleging concealment of facts by him while filling up the verification and attestation form and proposing, therefore, cancellation of his candidature. The respondent responded to the show cause notice, which culminated in the passing of order dated 2 November 2021, issued by the Delhi Police, cancelling the respondent's candidature. The relevant portion of the said order read thus.

> "2.3 The applicant submitted a detailed reply dated 06.07.2021, explaining the circumstances of the criminal case, the nature of acquittal, his bonafides, and the fact of voluntary disclosure. The applicant was also afforded a personal hearing. However, the

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respondents, vide order dated 02.11.2021, cancelled his candidature. Aggrieved thereby, the applicant has approached this Tribunal. Relevant part of the order dated 02.11.2021 reads as under:-

> "You were also heard in Orderly room by the undersigned on 28.10.2021. During personal hearing, you pleaded nothing except the version given in the reply and requested that you may be considered for the post in question.
>
> The plea(s) put forth by you in personal hearing as well as in the reply have been considered in detail but not found convincing because of the reason that in column No. 11 (A) of the Attestation Form, you clearly mentioned that "NAHI MERE UPAR KOI ABHIYOG NAHI CHALAYA GAYA". You have concealed the facts of your involvement in the above said criminal case deliberately despite clear warning given at the top of this form that furnishing of any false information or concealing any facts will be treated as disqualification.
>
> Thus, you have concealed the facts of your involvement in the above said criminal case in the relevant column of Attestation Form and tried to seek appointment in Delhi Police by adopting deceitful means with malafide intention. Hence, the show cause notice issued to you vide this office Letter No. XII/12/2021/2464/Rectt. Cell (Ct.)/NPL dated 31.03.2021 is hereby confirmed and your candidature for the post of MTS (Civilian/Barber) in Delhi Police-2017 is hereby cancelled with immediate effect."

5. Aggrieved by the cancellation of his candidature, the respondent approached the Central Administrative Tribunal[1] by way of OA 2919/2021. By Judgment dated 9 January 2026, the Tribunal has allowed the OA and has set aside the cancellation of the respondent's candidature with consequential benefits.

6. The Delhi Police is before us, challenging the said decision.

[1] "the Tribunal" hereinafter

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7. We have heard Mr. Himanshu Sethi, learned Counsel for the petitioner.

8. Mr. Sethi has placed reliance on the judgments rendered by the Supreme Court in ***State of UP v. Dinesh Kumar***[2] and ***Commissioner of Police v. Mehar Singh***[3]**.**

9. Mr. Sethi Submits that, inasmuch as the respondent was clearly guilty of misrepresentation and concealment of facts while filling up his attestation/verification form, and in failing to disclose the fact that FIR 258/2015 had been registered against him, consequent to which he was prosecuted, even if the proceedings ultimately ended in acquittal, the Tribunal was in error in setting aside the decision to cancel his candidature. He has emphasized the fact that the Delhi Police is a disciplined Force and that persons who resort to concealment of facts cannot seek appointment thereto.

10. The issue in controversy, to our mind, is no longer *res integra.* This Court has, in its recent decision in ***Srikanta Gorain v. Union of India***[4] dealt with similar issues. The following passages from the decision are relevant:

> "3. Inasmuch as CISF Circular 08/2018 is based on the judgment of the Supreme Court in ***Avtar Singh***[5], it would be appropriate to reproduce, here, para 38 of the said decision, which contains the guidelines laid down by the Court:
>
> > "38. We have noticed various decisions and tried to explain and reconcile them as far as possible. In view of the

[2] **2026 SCC Online SC 52**
[3] **(2013) 7 SCC 685**
[4] **2025 SCC OnLine Del 9406**
[5] **Avtar Singh v. Union of India, (2016) 8 SCC 471**

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aforesaid discussion, we summarise our conclusion thus:

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 recourses 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.

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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."

4. In its subsequent decision in ***Ravindra Kumar***[6], the Supreme Court has noted the decision in ***Avtar Singh*** and has further clarified the legal position thus:

"22. The law on this issue is settled by a three-Judge Bench of this Court in ***Avtar Singh***. Paras 34, 35, 36 and 38, which sets out the conclusions, are extracted hereinbelow:

"34. No doubt about it that verification of character and antecedents is one of the important criteria to assess suitability and it is open to employer to adjudge antecedents of the incumbent, but ultimate action should be based upon *objective criteria on due consideration of all relevant aspects*.

35. Suppression of "material" information presupposes that what is suppressed that "matters" not every technical or trivial matter. The employer has to act on due consideration of rules/instructions, if any, in exercise of powers in order to cancel candidature or for terminating the services of employee. *Though a person who has suppressed the material information cannot claim unfettered right for appointment or continuity in service but he has a right not to be dealt with arbitrarily and exercise of power has to be in reasonable manner with objectivity having due regard to facts of cases*.

36. What yardstick is to be applied has to depend upon the nature of post, higher post would involve more rigorous criteria for all services, not only to uniformed service. For lower posts which

[6] **Ravindra Kumar v. State of U.P., (2024) 5 SCC 264**

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Signing Date:02.11.2026 14:56:08

> are not sensitive, nature of duties, impact of suppression on suitability has to be considered by authorities concerned considering post/nature of duties/services and power has to be exercised on due consideration of various aspects.
>
> *****

23. As would be clear from ***Avtar Singh***, it has been clearly laid down that though a person who has suppressed the material information cannot claim unfettered right for appointment, he or she has a right not to be dealt with arbitrarily. The exercise of power has to be in a reasonable manner with objectivity and having due regard to the facts. In short, the ultimate action should be based upon objective criteria after due consideration of all relevant aspects.

24. ***Avtar Singh*** also noticed the judgment in ***Commr. of Police v. Sandeep Kumar***[7]. In ***Sandeep Kumar***, this Court set out the story of the character "Jean Valjean" in Victor Hugo's novel Les Miserables, where the character was branded as a thief for stealing a loaf of bread for his hungry family. It also discussed the classic judgment of Lord Denning in ***Morris v. Crown Office***[8] and concluded as follows:

> "10. … In our opinion, we should display the same wisdom as displayed by Lord Denning.
>
> 11. As already observed above, youth often commits indiscretions, which are often condoned.
>
> 12. It is true that in the application form the respondent did not mention that he was involved in a criminal case under Sections 325/34IPC. Probably he did not mention this out of fear that if he did so he would automatically be disqualified. At any event, it was not such a serious offence like murder, dacoity or rape, and hence a more lenient view should be taken in the matter."

25. Thereafter, in ***Avtar Singh*** dealing with ***Sandeep Kumar***, this Court observed as under:

> "24. … This Court has observed that suppression related to a case when the age of Sandeep Kumar

[7] **(2011) 4 SCC 644**
[8] **(1970) 2 QB 114**

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> was about 20 years. He was young and at such age people often commit indiscretions and such indiscretions may often be condoned. The modern approach should be to reform a person instead of branding him a criminal all his life. In *Morris* v. *Crown Office*, the observations made were that young people are no ordinary criminals. There is no violence, dishonesty or vice in them. They were trying to preserve the Welsh language. Though they have done wrong but we must show mercy on them and they were permitted to go back to their studies, to their parents and continue the good course."

This Court has followed, in arriving at his view, the judgments of the Supreme Court in ***Avtar Singh v. Union of India*** and ***Commissioner of Police v. Gordhandas Bhanji***[9]**.**

11. As regards the decisions in ***Dinesh Kumar*** and ***Mehar Singh*** on which Mr. Sethi placed reliance, they are, to our mind, clearly distinguishable. ***Dinesh Kumar*** was not a case in which the criminal proceedings have come to an end prior to the application filled by the candidate. They were pending on the date when the application was filled and the candidate had expressly stated that there were no criminal proceedings pending on that date. That this fact is of moment in the said decision is clear from paras 8 and 9 thereof, which read thus.

> "8. Despite this clear stipulation as extracted *supra* the respondent submitted otherwise than the truth which was that there were cases pending against him. *The acquittal/dropping of proceedings against him were subsequent developments and at the time of filling up of the forms the investigation in the case was active so also at the time of the affidavit. Since the disclaimer makes it clear that concealment of information would render the applicant ineligible/unfit for government service, what is the*

[9] **AIR 1952 SC 16**

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clincher is the status of the cases as disclosed at the time of filing of the forms. It cannot be disputed that at the relevant time, he submitted incorrect and false information.

9. In urging this Court to look at circumstances in his favour in accordance with ***Avtar Singh v. Union of India*** and ***Ravindra Kumar v. State of U.P.,*** he points out *inter-alia* his age which is approximately 45, the fact that he gave the affidavit prior to initiation of cancellation of appointment proceedings, the District Magistrate has placed on record his fitness for appointment. We are of the considered view that none of these factors would justify overlooking the fact that at the relevant point in time he concealed the information. There is a maxim in law to the effect that '*juda lex sed lex*' which means the law may be harsh, but the law is law. The factum that he said '*no*' to pending proceedings against him not once but twice, shows demonstrated mal-intent and is in direct contravention of the disclaimer(s) given in the forms. Subsequent acquittal or the fact that he attempted to come clean about the suppression of facts cannot accrue to his benefit."

12. As the Supreme Court has clearly held in that case, the clincher was the status of the case as disclosed at the time of filling of the forms.

13. ***Mehar Singh*** was a case in which the cancellation of candidature was not on the ground of the concealment of information but on the ground that the acquittal of the candidate was not honourable. As such, this cannot constitute a useful precedent for our purpose.

14. Mr. Sethi has sought to submit that, in the counter affidavit filed by the petitioner before the Tribunal, it was also sought to be contended that the acquittal of the respondent was not honourable. That argument is not available to the petitioner in view of the exposition of law more than almost seven decades ago, in ***Commissioner of Police v. Gordhandas Bhanji,*** as echoed by the

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Supreme Court in ***Mohinder Singh Gill v. The Chief Election Commissioner***[10]**,** which hold that an order has to stand or fall on the basis of the reasons contained therein and cannot be embellished or improved by assertions contained in affidavits filed in Courts. The only ground on which the respondent's candidature was cancelled was that he had failed to disclose the fact of registration, prior in point of time, of a criminal case against him and of his having been prosecuted following the said FIR. It is not open, therefore, to the petitioners to now raise the issue of whether the acquittal of the respondent was honourable or otherwise, to justify the cancellation of his candidature.

15. We, therefore, find no error in the approach adopted by the Tribunal.

16. The writ petition is accordingly dismissed in *limine*.

C. HARI SHANKAR, J.

NIVEDITA ANIL SHARMA, J.

OCTOBER 28, 2026
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[10] **(1978) 1 SCC 405**

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