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

+ **W.P.(C) 362/2026 & CM APPL. 1772/2026**

SUBHASH CHANDRA ALAIS SUBHASH CHANDRA GAUTAM

.....Petitioner

Through: Mr. Bibek Tripathi, Mr. Ajay Kr. Shrivastav, Mr. Sudhakar Tiwari & Mr. Manoj Kumar, Advocates.

versus

DELHI SUBORDINATE SERVICES SELECTION BOARD AND ANR.

.....Respondents

Through: Mrs. Avnish Ahlawat, SC, GNCTD with Mr. Nitesh Kumar Singh, Ms. Aliza Alam & Mr. Mohnish Sehrawat, Advocates for DSSSB/DTL.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

20.01.2026

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1. The Petitioner applied for the post of Sub Station Attendant (Grade-II) with Delhi Transco Limited (Respondent No. 2) advertised by Delhi Subordinate Services Selection Board¹ (Respondent No. 1) on 10th November, 2023. The recruitment process entailed a written examination. The Petitioner appeared in the online examination and, being found meritorious, was issued a provisional offer of appointment dated 21st April, 2025.

¹ "DSSSB"



2. The Petitioner asserts his documents were successfully verified by Respondent No. 2 and that he filled the prescribed attestation form. In response to the query whether any criminal case was pending before a court of law, the Petitioner answered in the affirmative. It is pointed out that the form, at that stage, did not call upon the Petitioner to furnish particulars of the case.

3. The Petitioner grievance arises because, despite the provisional offer, the Petitioner was not permitted to join and no final decision was communicated. In the meantime, the Petitioner placed on record an order dated 4th August, 2025 passed by the Supreme Court in SLP (Crl.) Diary No. 37054/2025, staying further proceedings in connection with the criminal case disclosed in the attestation form.

4. In these circumstances, the Petitioner approached this Court in W.P.(C) 12949/2025. This Court, taking note of the stay granted by the Supreme Court, directed Respondent No. 2 to take a final decision on the Petitioner's candidature, treating the writ petition as a representation.

5. Pursuant thereto, Respondent No. 2 has issued the impugned communication dated 16th September, 2025 cancelling the Petitioner's candidature on the sole ground that a criminal case is pending against him.

The same reads as follows:

“ This is in continuation to Provisional Offer of Appointment letter dated 21.04.2025 and subsequent to document verification during which it has been observed that a criminal case is pending against you.

The Competent Authority has cancelled your candidature for the post of Sub-Station Attendant Grade-II, DTL sponsored by DSSSB against post code 76/23 due to pendency of criminal proceedings against you.

This issues with the approval of competent authority.”



6. The Petitioner assails the impugned decision as arbitrary and non-speaking. The submission, in substance, is that there was no suppression, since pendency was disclosed at the first available stage. The proceedings in the criminal case stand stayed by the Supreme Court and that a mechanical rejection on “pendency” alone, without examining the nature of allegations, the stage of the case, the effect of the stay order, and overall suitability, does not satisfy the requirement of a fair and reasoned decision.

7. On behalf of the Respondents, it is urged that an employer is entitled to evaluate suitability having regard to criminal antecedents and that the Petitioner, being a candidate offered appointment only provisionally, cannot insist on appointment as a matter of right.

8. The Court has considered the rival submissions. The legal position is settled that public employment is not a matter of entitlement merely on account of selection, and an employer retains the authority to assess antecedents and suitability. At the same time, the discretion to reject candidature on the ground of criminal antecedents is not unguided. The governing principles require an objective evaluation, based on relevant material, of the nature of the offence, the role attributed, the stage of proceedings, and the overall impact on suitability for the post. A blanket approach that treats “pendency” as a complete answer, without any evaluative exercise, does not comport with the standards of non-arbitrariness.

9. Two features assume significance in the present matter. First, there is no allegation of concealment or false disclosure. The Petitioner disclosed pendency in the attestation form. Where disclosure is truthful, the decision necessarily turns on suitability assessment, and not on penalising



suppression. Second, the material placed on record includes an order of the Supreme Court staying further proceedings in relation to the disclosed criminal case. A stay of proceedings is not an acquittal, nor does it extinguish the employer's discretion to evaluate suitability. However, it is a relevant circumstance that calls for conscious consideration. If an employer proposes to treat pendency as disqualifying even in the face of a subsisting stay order, the decision must disclose reasons as to why such course is warranted in the facts of the case.

10. In this background, the impugned decision cannot be sustained. It merely records that a criminal case is pending and, on that basis alone, cancels the candidature. It does not even notice the order of the Supreme Court staying proceedings, despite the earlier direction of this Court to take a final decision after considering the Petitioner's representation. There is no indication that Respondent No. 2 called for particulars of the case, examined the nature of allegations, considered the stage of the proceedings, or undertook any structured assessment of suitability. The decision, therefore, reflects a mechanical approach and does not meet the minimum requirement of a reasoned determination.

11. In view of the above:

- (i) The impugned communication dated 16th September, 2025 cancelling the Petitioner's candidature is set aside.
- (ii) The Petitioner's representation, along with the documents filed with the petition (including the order passed by the Supreme Court staying proceedings), shall be considered afresh by the competent authority of Respondent No. 2.
- (iii) While reconsidering the matter, Respondent No. 2 shall call for the



necessary particulars of the criminal case, and thereafter pass a reasoned order.

(iv) The above exercise shall be completed within four weeks from today.

12. The writ petition is disposed of in the above terms, along with pending application(s).

SANJEEV NARULA, J

JANUARY 20, 2026/hc