**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD**

MONDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

**PRESENT**

**THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH**
**AND**
**THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN**

**WRIT APPEAL NO: 537 OF 2025**

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order Dated 03/06/2024 in W.P. No. 23157 of 2020 on the file of the High Court.

**Between:**

The Chairman Telangana State Level Police, Recruitment Board, Hyderabad.

**...APPELLANT**

**AND**

1. P. Prashanth, S/o P. Ashok Kumar, Age. 25 years, Occ. Un employed, R/o 12-1-224/2, Asifnagar, Kummarwadi, Hyderabad.
2. The Commissioner of Police, Hyderabad City Hyderabad
3. The State of Telangana, Home Department, Hyderabad
4. The Commissioner of Police, Hyderabad City, Hyderabad.
5. The Commissioner of Police, Hyderabad City, Hyderabad.
6. The State of Telangana, Rep. by its Principal Secretary, Home Department, Hyderabad.

(R2 and R3 are Formal Parties)

**...RESPONDENTS**

**IA NO: 2 OF 2025**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the order dated 03/06/2024 passed in WP No. 23157 of 2020 by the learned Single Judge pending disposal of the main Writ Appeal.

**Counsel for the Appellant : SRI M.V.RAMA RAO, (SC FOR TSLPRB)**
**Counsel for the Respondent No.1 : SRI CH.JAGANNATHA RAO**
**Counsel for the Respondent No.2TO6 : GP FOR HOME**

**The Court delivered the following: JUDGMENT**

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

**WRIT APPEAL No. 537 of 2025**

**JUDGMENT:**

Heard Sri M.V. Rama Rao, learned counsel for the appellant and Sri Ch. Jagannatha Rao, learned counsel for respondent No.1/writ petitioner.

2. Writ petitioner under the advertisement dated 31.05.2018 made online application for recruitment to the post of Stipendiary Cadet Trainee Police Constable (Civil/AR) for men and women in Police Department. Admittedly, the prescribed pro forma did not contain a column to disclose information regarding any criminal case in which the applicant was involved. The advertisement contained Clause 27, which reads as under:

> "27. SUPPRESSION / WITHHOLDING OF FACTS - NOT ADVISABLE
>
> Suppression of Material facts or withholding any factual information in the Online Application or Attestation Form (which would be supplied to the Candidates who are declared provisionally selected) will disqualify the Candidate from being considered

for appointment. In the event of any information being found false or incorrect or ineligibility being detected at any time even after Appointment, he/she will be discharged from service forthwith by the Appointing Authority without any notice."

After provisional selection, successful candidates were required to fill up the attestation form. Attestation form was filled up by the writ petitioner on 07.10.2019. Clause 11 of the attestation form is extracted hereunder:

| | | |
|---|---|---|
| 11 | Whether you were involved in any criminal case? Yes No | |
| | If yes, indicate | |
| | a) Crime No. and section of law | |
| | b) Year | |
| | c) Name of the Police Station | |
| | d) Name of the district | |
| | e) Whether you were arrested by the Police? Yes No (even in petty case or under preventive sections) | |
| | f) Whether you were prosecuted by the Police in a court of law? if so, indicate the present stage of this case: 1) under trial 2) convicted 3) compounded 4) acquitted | |
| | Note: 1) If convicted whether such conviction sustained in the Court of Appeal or set aside by the Appellate Court if appealed against: | |
| | 2) Whether you were involved in more than one criminal case? Yes No If yes, give details in separate paper in the above proforma | |
| | 3) If involved in a criminal case subsequent to the completion and submission of this form, the details should be informed immediately to the authority to whom the attestation form has been submitted earlier failing which it will be deemed to be suppression of factual information | |
| | | |

Admittedly, the writ petitioner ticked the column 'No'. The writ petitioner was issued a show cause notice on 28.02.2020 asking him to explain as to why his provisional selection be not cancelled as in true verification of his antecedents, it was found that he was involved in a criminal case *vide* Cr.No.66 of 2018 under Sections 376, 417 of IPC of Asifnagar Police Station, Hyderabad. The writ petitioner submitted explanation that the criminal case was filed by his wife due to some misunderstanding which was later on compromised and they got marriec on 16.07.2018. They were living peacefully and have been blessed with a female child. At the time of submission of attestation form, the said case was not pending. He was acquitted. Therefore, he requested respondent No.2 to consider his explanation and allow him to join the training. *Vide* order dated 04.12.2020 passed by the Chairman, Telangana State Police Recruitment Board, Hyderabad, the appellant, his provisional selection was cancelled. Being aggrieved, he preferred Writ Petition No.23157 of 2020. The learned writ Court decided the case in his favour by holding as under:

"7. As seen from the above, the circumstances of the case have to be looked into by the employer before taking a decision. The judgment of the Sessions Court reveals that both the complainant and the petitioner were known to each other for a considerable period of time and were moving together. It is alleged that the petitioner had promised to marry the complainant. Ultimately, the petitioner married the complainant and they are now living happily together. This Court cannot lose sight of the fact that there are no other negative reports about the petitioner. Therefore, this Court is satisfied that when the petitioner has already been acquitted by the Courts, the non-mentioning of the criminal case, in which the petitioner was involved in the attestation form is not a grave offence and the respondent ought to have considered that there are no other negative reports about the character of the petitioner except for involvement in the said criminal case. Taking the same into consideration, this Court is of the opinion that the respondents ought not to have cancelled the provisional selection of the petitioner.

8. Accordingly, the writ petition is allowed and the impugned memorandum dated 04.12.2020 is set aside. The respondents are directed to issue appointment orders to the petitioner on the basis of his merit in the selection process and send him for training with the next batch of trainees. The petitioner shall also be entitled to notional seniority but not arrears of pay, etc. There shall be no order as to costs."

Being aggrieved, the recruitment board has preferred this appeal.

3. On the part of the appellant Board, it is submitted that non-disclosure of information about the criminal case amounted to suppression within the meaning of Clause 27 of the advertisement dated 31.05.2018. The offences under Sections 376, 417 of IPC instituted against the writ petitioner were of heinous/serious nature. The writ petitioner has not got an order of clean acquittal. The acquittal is on the basis of compromise after the victim and the writ petitioner got married. In such cases, following the ratio rendered by the Apex Court including that of **Avtar Singh v. Union of India and others**[1], also referred to in the impugned order dated 04.12.2020, the appellant contended that suppression of involvement in a crime in the attestation form is a disqualification as per Rule 3G (i) of the SCT Rules. The writ petitioner was involved in a case of moral turpitude. Therefore, his case deserves no consideration. It is submitted that the writ Court committed an error in allowing Writ Petition No.23157 of 2020.

[1] (2016) 8 SCC 471

4. Learned counsel for the writ petitioner submits that the application form did not contain such a prescribed column under the advertisement dated 31.05.2018 to disclose the pendency of criminal case. The writ petitioner was provisionally selected. He was acquitted on 03.09.2019 by the competent Court on the basis of a compromise arrived at with his wife, the complainant. The attestation form was filled up after his acquittal, on 07.10.2019. At that point of time, there was no criminal case pending against him. Therefore, he ticked the column 'No' against Clause 11 of the attestation form. There is no deliberate suppression of any pending criminal case as against him in the attestation form. The Chairman of the recruitment board has gone to examine the merits of the order of acquittal that the writ petitioner had not been granted clean acquittal. There was no occasion for the Chairman of the recruitment board to examine the nature of acquittal granted in favour of the writ petitioner. Learned counsel for the writ petitioner has relied upon a decision of this Court in Writ Appeal No.902 of 2023 *vide* judgment dated 13.09.2023. It is submitted that in the said case, the petitioner was acquitted by

way of compromise before Lok Adalat. The learned Court after taking note of the decision of the **Avtar Singh**'s case opined that there is a duty cast on the employer to verify the antecedents by duly taking into account the fact that the compromise was recorded by the Lok Adalat. In the said case, no instant verification was made except trying to interpret that the compromise entered into before the Lok Adalat is a clean acquittal. It is submitted that the said judgment of this Court was not interfered with by the Apex Court *vide* judgment dated 29.07.2024 passed in Special Leave Petition (Civil) Diary No.15079 of 2024. Therefore, the ratio of the said case should also apply to the case of the present writ petitioner since he has been acquitted on the basis of compromise before filling up the attestation form. The learned writ Court therefore, rightly allowed the Writ Petition and directed the appellant and respondent Nos.2 and 3 to issue appointment order in his favour on the basis of his merit in the selection process. It was also held that he should be entitled to notional seniority but not arrears of pay. Therefore, the Writ Appeal should be dismissed.

5. We have heard the learned counsel for the parties and taken note of the relevant materials placed on record. We have also perused the impugned order. We have also gone through the decisions cited by rival parties supra. This is a case where the writ petitioner had not informed the authorities about the pendency of a criminal case in his attestation form which required specific details about the involvement in any criminal case such as the case number, the sections, the name of Police Station, whether he was arrested, whether he has been prosecuted by the police, and if convicted, whether such conviction has been sustained in the Court of appeal or set aside. The writ petitioner therefore cannot claim ignorance of an important clause in the attestation form which required details of criminal case in which he was involved were to be disclosed. It was only during the course of verification of his antecedents, the employer came to know about such a case having been instituted against him under Sections 376, 417 of IPC. The offence of rape is definitely of a heinous/serious nature. The parties may have entered into compromise which resulted in his acquittal on 03.09.2019 apparently during the

process of recruitment. It was therefore incumbent upon the candidate to have disclosed this information, in the attestation form, failure of which would amount to suppression of a vital information to his employer. The writ petitioner was a candidate for recruitment to a police force *i.e.,* a disciplined force which requires responsibility, maintenance and enforcing law and order in the society. In **Avtar Singh**'s case, the Apex Court has summarized its conclusion on this issue at para 38 of the judgment which is profitably quoted hereunder.

> "38. We have noticed various decisions and tried to explain and reconcile them as far as possible. In view of aforesaid discussion, we summarize 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 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."

6. A perusal of para 38.4.3 would show that even if an 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 take appropriate decision as to the continuance of the employee.

7. In the present case, the offence of rape is definitely of a heinous/serious nature. The writ petitioner's acquittal is based on a compromise. The appellant employer has during the course of verification been informed about the pendency of a criminal case against him. It was the duty of the writ petitioner to have disclosed the relevant information in the attestation form when he was provisionally selected. In the light of Clause 27 of the advertisement and also Rule 3(G) (i) of SCT Rules, the non-disclosure of these proceedings definitely

amounted to a case of suppression of information. The learned writ Court therefore fell in error in allowing the Writ Petition on the basis of the compromise entered into between the parties since they were happily married. It appears on perusal of the judgment dated 13.09.2023 in Writ Appeal No.902 of 2023, relied upon by the learned counsel for the respondent herein, that the writ petitioner had duly informed the department that he was earlier involved in a criminal case, C.C.No.100 of 2009, on the file of Judicial First Class Magistrate, Thorrur. The case was registered for the offences under Sections 147, 148, 323, 427 and 188 of IPC wherein he was acquitted by way of compromise before the Lok Adalat. In the instant case, the writ petitioner was involved in Cr.No.66 of 2018 under Sections 376, 417 of IPC which is a heinous/serious offence of rape. As such, it was incumbent upon the writ petitioner to have duly disclosed the factum of his involvement in the said criminal case. It is only after verification at their end, such fact was brought to the notice of the employer. In such circumstances, the writ petitioner who sought to be employed in a disciplinary force like the

disciplined police force does not deserve any sympathy. We therefore, are inclined to interfere in the impugned order.

8. For the reasons recorded hereinabove, the impugned order is set aside.

The Writ Appeal is accordingly allowed. There shall be no order as to costs.

Miscellaneous applications, if any pending, shall stand closed.

SD/-K.SRINIVASA RAO
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Commissioner of Police, Hyderabad City Hyderabad
2. The State of Telangana, Home Department, Hyderabad
3. The Commissioner of Police, Hyderabad City, Hyderabad.
4. The Commissioner of Police, Hyderabad City, Hyderabad.
5. The Principal Secretary, Home Department, Hyderabad State of Telangana,.
6. One CC to SRI M.V.RAMA RAO (SC FOR TSLPRB). [OPUC]
7. One CC to SRI CH.JAGANNATHA RAO, Advocate. [OPUC]
8. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad. [OUT]
9. Two CD Copies.

BSK

LS

pmg.

HIGH COURT

DATED:04/08/2025




JUDGMENT

WA.No.537 of 2025

ALLOWING THE WRIT APPEAL
WITHOUT COSTS

(12) PMG.
23/10/25