

**2023 LiveLaw (SC) 142**

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
M.R. SHAH; J., C.T. RAVIKUMAR; J.**

**FEBRUARY 20, 2023**

**CIVIL APPEAL NOS. OF 2023 (@ Special Leave Petition (Civil) Nos. 4860-4861/2019)  
**Yogeeta Chandra versus The State of Uttar Pradesh & Anr.****

**Judicial Service - Supreme Court upholds the termination of services of a judicial officer for not disclosing pendency of criminal case at the time of making application- Court notes that subsequent closure of the criminal case is immaterial when the candidate has made a dishonest suppression - The post which was applied by the appellant was a very important post of judicial officer and therefore, it was expected of a person who applied for the judicial officer to disclose the true and correct facts and give full particulars as asked in the application form. If in the application form itself, she has not stated the true and correct facts and suppressed the material facts, what further things can be expected from her after she was appointed as a judicial office. (Para 6)**

**Constitution of India, 1950 - Article 311 - Departmental enquiry not necessary to terminate the services of a judicial officer on the ground of suppression of criminal case at the time of making application- It is not a case of termination of services for misconduct- It was the case of cancellation of the appointment on not disclosing the true and correct facts in the application form. Therefore, as rightly observed by the High Court, there was no question of holding any departmental enquiry under Article 311 of the Constitution of India. (Para 7)**

(Arising out of impugned final judgment and order dated 08-03-2017 in SB No. 950/2015 15-11-2018 in RA No. 39571/2017 passed by the High Court of Judicature at Allahabad, Lucknow Bench)

*For Petitioner(s) Mr. R. Basant, Sr. Adv. Ms. Mrinmayee Sahu, AOR Mr. Sandeep Kumar Mahapatra, Adv. Mr. Vishnu, Adv. For Respondent(s) Mr. Ardhendumauli Kumar Prashad, A.A.G. Mr. Adarsh Upadhyay, AOR Mr. Ashish Madaan, Adv. Ms. Shreya Srivastava, Adv. Ms. Ananya Sahu, Adv. Ms. Pallavi Kumari, Adv. Ms. Preetika Dwivedi, AOR Mr. Abhishek Mohanty, Adv.*

**ORDER**

**M.R. Shah, J**

1. Leave granted.
2. Feeling aggrieved and dissatisfied with the impugned judgment and order dated 08.03.2017 passed by the High Court of Judicature at Allahabad, Lucknow Bench in Service Bench No. 950/2015 and order dated 15.11.2018 passed in Review Application No. 39571/2017, the original writ petitioner has preferred the present appeals.
3. The appellant applied for the post of judicial officer. In the application form, among other things, the following particulars were asked:

18. Did you ever figure as an accused or a complainant in any criminal case? If so, give particulars with result. Also enclose certified copies of judgment/order of the Trial/Appellate/Revisional court, if any, along with hard copy of application: No

It is not in dispute that, earlier the appellant was figured as an accused in FIR No. 248-A/2002 for the offences under Sections 323, 524, 506, 542 and 427 of the IPC. Even she was figured as a complainant in FIR No. 248 of 2002.

4. In the application form, the applicant, who applied for the post of a judicial officer did not disclose the aforesaid particulars and on the contrary said “No”. That thereafter, on the ground of suppression of facts and not disclosing the true and correct facts in the application form, the services of the appellant as a judicial officer were put to an end by the Full Court of the High Court, which came to be confirmed on the judicial side, which has given rise to the present appeals.

5. Shri R. Basant, learned Senior Advocate, appearing on behalf of the appellant has vehemently submitted that, considering the fact that in the FIR/case in which the appellant was figured as an accused, a closure report was filed and therefore, non-disclosure of the same cannot be said to be suppressing the material fact. It is further submitted that, even in the case in which she was the complainant, non-disclosure of the same also cannot be said to be suppression of material fact.

6. In the application form, the applicant, who, as such, applied for the post of a judicial officer was required to disclose certain facts, more particularly, the facts stated in Clause 18 of the Application Form and non-disclosure of true facts and not only that but saying “No” can certainly be said to be suppression of material facts. It was immaterial whether there was a closure report or acquittal or conviction. At this stage, it is required to be noted that the particulars which were asked, whether “did you ever **figure** as an accused or a complainant in any criminal case? If so, give particulars with result.” Therefore, the factum of figuring the name either as an accused or a complainant in any criminal case was required to be disclosed with full particulars and with result. Therefore, the appellant cannot take the plea and/or defence that as a Closure Report was filed in the complaint in which she was the accused, the same was not required to be disclosed. On the basis of the nature of the allegations in the complaint either as an accused or a complainant, it is ultimately for the employer to take a conscious decision whether to appoint such a person or not. What could be considered while actually appointing a person depends upon the facts and circumstances of each case and it is ultimately for the employer to take a conscious decision. The post which was applied by the appellant was a vey important post of judicial officer and therefore, it was expected of a person who applied for the judicial officer to disclose the true and correct facts and give full particulars as asked in the application form. If in the application form itself, she has not stated the true and correct facts and suppressed the material facts, what further things can be expected from her after she was appointed as a judicial officer.

7. From the impugned judgment and order passed by the High Court, it appears that it was the case on behalf of the appellant that the services of the appellant could not be put to an end without holding the departmental enquiry under Article 311 of the Constitution of India. However, it is required to be noted that the termination was not on the ground of any misconduct. It was the case of cancellation of the appointment on not disclosing the true and correct facts in the application form. Therefore, as rightly observed by the High Court, there was no question of holding any departmental enquiry under Article 311 of the Constitution of India.

8. Under the circumstances, in the facts and circumstances of the case, no error has been committed by the High Court cancelling her appointment on the ground of not stating the true and correct facts and/or suppression of material facts. We are in complete agreement with the view taken by the High Court. No interference of this Court is called for.

9. The instant appeals are accordingly dismissed. Pending application, if any, stands disposed of.