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IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.357 of 2026

State of Odisha and others	Appellants
-Versus-		
1. Sagarika Parida	Respondent
2. Odisha Staff Selection Commission, Bhubaneswar	Proforma Respondent

Advocates appeared in this case:

For Appellants : Mr. Saswat Das,
Additional Government Advocate

For Respondent : Ms. Pallavi Mohanty, Advocate

CORAM:
HON' BLE THE CHIEF JUSTICE
AND
HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

J U D G M E N T

Date of Hearing and Judgment : 22nd June, 2026

HARISH TANDON, CJ.

1. The instant appeal arises from the order dated 25th September, 2025 by which the writ petition being W.P.(C) No.32287 of 2020 is disposed of quashing and/or setting aside the impugned order dated 12th November, 2020 passed by Deputy Commissioner of Police



(Headquarters) and directing reinstatement of the writ petitioner-respondent in service with all consequential benefits. It was further observed that the period of discharge of the writ petitioner-respondent be treated as 'on duty' and all financial benefits for the said period to be calculated and disbursed within a stipulated time.

2. The impugned order challenged in the said writ petition came to be passed solely on the premise that the respondent had made a false and incorrect statement in the Verification Roll submitted at the time of securing the employment. Clause-7 of the said Verification Roll pertains to the disclosure as to whether the applicant has ever been accused in a criminal case or has ever been in prison. The respondent has disclosed in response to the said clause that she had neither been accused in a criminal case nor had she been in prison. Subsequently, it was detected by the authorities that three criminal cases were registered against the respondent, one of which reached to its logical end by acquitting her as the prosecution failed to establish the guilt. The said acquittal came on 4th August, 2017 whereas the Verification Roll was furnished by the respondent on 21st August, 2017. So far as the other criminal cases are concerned, those were registered under Sections 341/294/323/506/354/34 of the Indian



Penal Code, 1860 and were also disposed of either at the National Lok Adalat level or having not found the respondent guilty of such offences.

3. The *summum bonum* of the entire facts leads to an inescapable conclusion that all the three criminal cases, which were registered against the respondent, ended in her favour and the stand of the State that those are pending does not appear to be correct. The argument appears to have been advanced or rested upon one of such criminal cases, which was pending as on the date of furnishing the Verification Roll but later on disposed of acquitting the respondent that since the same was pending and the respondent being an accused ought to have disclosed the details of the said case. It is a categorical stand of the respondent that she was not aware of those criminal cases having lodged against her and, therefore, had disclosed in the said Verification Roll in the negative manner.

4. The apex Court in *Avtar Singh v. Union of India* reported in **(2016) 8 SCC 471** has succinctly laid down the broad principles in relation to an action taken against an employee, who furnished false



and/or incorrect information with regard to his/her antecedents, in the following:

“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 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.

37. The “McCarthyism” is antithesis to constitutional goal, chance of reformation has to be afforded to young offenders in suitable cases, interplay of reformatory theory cannot be ruled out in toto nor can be generally applied but is one of the factors to be taken into



consideration while exercising the power for cancelling candidature or discharging an employee from service.

38. We have noticed various decisions and tried to explain and reconcile them as far as possible. In view of the 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.*

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.”

5. From perusal of the exposition of law laid down in ***Avtar Singh*** (supra), the verification of character and antecedents is one of the significant criteria to assess the suitability of a candidate for the employment but while taking an ultimate decision, the objective standards have to be borne in mind, which include all the relevant factors. It is further held that the suppression of ‘material information’ should not be of a trivial or a technical nature and in the



event it is found that the employee was not aware of lodging of the criminal complaints on the date of submission of the Verification Roll, the employer should not in a mechanical manner remove such employee from service.

6. In an identical situation, the apex Court in ***Pawan Kumar v. Union of India*** reported in ***AIR (2022) SC 2829*** held that in the event the criminal case is of a trivial nature and the knowledge of such criminal case cannot be established as on the date of the submission of a form relating to an antecedent and/or the character, it would not be proper on the part of an employer to penalise such employee by removing him/her from service in the following:

“18. Adverting to the facts of the instant case, at the time of attestation form filled by the appellant, the criminal case was already registered against him but it may be noticed that at the very threshold, the complainant filed his affidavit that the complaint on which FIR came to be registered was due to misunderstanding and he did not want to pursue his case any further, but still charge-sheet came to be filed and on the first date of hearing, the alleged victim PW 1 did not support case of the prosecution and thus the order of clean acquittal came to be passed by the learned Judge of competent jurisdiction by judgment dated 12-8-2011.

19. The criminal case indeed was of trivial nature and the nature of post and nature of duties to be discharged



by the recruit has never been looked into by the competent authority while examining the overall suitability of the incumbent keeping in view Rule 52 of the 1987 RPF Rules to become a member of the force. Taking into consideration the exposition expressed by this Court in Avtar Singh [Avtar Singh v. Union of India, (2016) 8 SCC 471 : (2016) 2 SCC (L&S) 425] , in our considered view the order of discharge passed by the competent authority dated 24-4-2015 is not sustainable and in sequel thereto the judgment [Pawan Kumar v. Union of India, 2015 SCC OnLine Del 14648] passed by the Division Bench of the High Court of Delhi does not hold good and deserves to be set aside.

20. Consequently, the appeal succeeds and is allowed. The judgment of the Division Bench of the High Court dated 17-11-2015 [Pawan Kumar v. Union of India, 2015 SCC OnLine Del 14648] and the order of discharge dated 24-4-2015 and dated 23-12-2021 are hereby quashed and set aside. The respondents are directed to reinstate the appellant in service on the post of Constable on which he was selected pursuant to his participation in reference to Employment Notice No. 1/2011 dated 27-2-2011. We make it clear that the appellant will not be entitled for the arrears of salary for the period during which he has not served the force and at the same time he will be entitled for all notional benefits, including pay, seniority and other consequential benefits, etc. Necessary orders shall be passed within a period of one month from today. No costs.”

7. Though Mr. Saswat Das, learned Additional Government Advocate for the appellants vociferously submits that suppression of



material information and/or non-disclosure of such fact should not be treated leniently as the respondent is serving in a disciplined organisation, which requires high standard of moral and character. Conscious suppression of factum of a criminal case having lodged against the respondent creates a greater impact on the disciplined organization and the conduct and character must be above board.

8. As culled out from the aforementioned reports, in the event the respondent did not have the knowledge of the criminal case pending against her, such negative disclosure should not act against her inviting a serious penal consequences i.e. removal/termination from service.

9. Our attention is drawn to a report of the Additional DCP, Crime, Commissionerate Headquarters, Bhubaneswar dated 22nd February, 2019, where the stand of the respondent that she was not aware of any such case and even the disposal thereof in the form of an acquittal was in her absence were found to be true and correct. It was observed in the said report that the respondent did not have the knowledge of the registration of those cases against her and, therefore, the information so furnished cannot be said to be false. The



said report has not been controverted and/or challenged at any stage of the proceedings and once an authority being a fact finding authority has arrived at the conclusion that the respondent was not aware of the registration of those cases at the time when the Verification Roll was furnished by her, we find that the writ petitioner-respondent is entitled to the reliefs as granted in *Avtar Singh* (supra) and/or *Pawan Kumar* (supra).

10. We, thus, do not find any illegality and infirmity in the decision taken by the learned Single Bench that the case of the respondent squarely comes within the ambit of the aforesaid decisions rendered by the apex Court and, therefore, the instant appeal *sans* merit, is accordingly dismissed. Pending interlocutory application (s) also stands disposed of.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge

M. Panda