



IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ANAND SINGH BAHRAWAT

ON THE 22nd OF JUNE, 2026

WRIT PETITION No. 41182 of 2025

RAGHVENDRA TOMAR

Versus

STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Jitendra Kumar Sharma- Senior Advocate with Ms. Krati Sachdev- Advocate for petitioner.

Shri K.K. Prajapati – Government Advocate for respondent/State.

ORDER

This petition, under Article 226 of Constitution of India, has been filed seeking following relief (s):-

- “i) That, the impugned orders contained in Annexure-P/1, P/2 and P/3 may kindly be quashed and consequently, the respondents may kindly be directed to go ahead with the process of appointment and grant compassionate appointment to the petitioner on the post of constable within a reasonable time in the interest of justice.
- ii) Cost of the petition and or any other order or direction deemed fit in the circumstances of the case be issued in the favour of the petitioner.”



2. It is submitted by learned Senior Counsel appearing on behalf of petitioner that father of petitioner late Rajkumar Singh Tomar was posted as Assistant Sub-Inspector in police department and during service tenure when he was posted at Police Station Mallgada on 23.10.2022 he passed away.

2.1 As the father of petitioner had died in harness leaving behind his family, with the consent of all the family members, petitioner submitted an application for grant of compassionate appointment and as per the instructions of the respondents, petitioner submitted attestation form and affidavit before the authorities duly disclosing the pendency of both the criminal cases. After completing all the formalities, respondent No.4 rejected the claim of petitioner pertaining to grant of compassionate appointment treating him ineligible due to pendency of the aforementioned criminal cases. It is submitted by learned Senior Counsel that thereafter, the learned Magistrate acquitted the petitioner of offence related to Crime No.506/2021, on which petitioner requested the authorities to reconsider his case for grant of compassionate appointment. Vide order dated 27.06.2025 (Annexure-P/2) respondent No. 3 referring earlier decision of the scrutiny committee declined to reconsider the claim of petitioner. Meanwhile, petitioner acquitted in the second criminal case also vide judgment dated 24.04.2025 and petitioner submitted application on 29.04.2025 before the respondents. Respondent No. 4 again referring to earlier decision of the scrutiny committee declined to reconsider the claim of petitioner by order dated 14.07.2025 (Annexure P-3). It is submitted by learned Senior Counsel appearing on behalf petitioner that petitioner has duly disclosed pendency of both the criminal cases pending against him in attestation form as well as affidavit and the offences in question are not the offences of moral turpitude.



2.2 It is further submitted by learned Senior Counsel that due to matrimonial dispute between husband and wife who are brother and sister-in-law (Bhabhi) of petitioner, petitioner was falsely roped in the aforesaid criminal cases being family member. Without there being any fault on the part of petitioner, he faced the criminal trial of said cases and respondents rejected the claim of petitioner on account of pendency of said criminal cases and even after being acquitted in them, respondents did not grant compassionate appointment to petitioner. Learned Senior counsel submits that Hon'ble Supreme Court in the case of **Pramod Singh Kirar Vs. State of Madhya Pradesh & Ors.** rendered in **Civil Appeal Nos.8934-8935 of 2022, vide order dated 02.12.2022** in similar circumstances directed to grant appointment to petitioner (in that case) on the post of Constable.

3. *Per contra*, learned Government Advocate appearing on behalf of respondent/State opposes the prayer made by learned Senior Counsel appearing on behalf of petitioner, while supporting the orders impugned. It is submitted that Scrutiny Committee having considered the case of petitioner has rightly declined to appoint him. It is submitted that charges are serious in nature and mere acquittal does not create an automatic right to appointment in disciplined/uniformed services. The Scrutiny Committee, after considering the nature of allegations, circumstances, and gravity of offences, found the petitioner unsuitable. It is further submitted that petitioner's acquittal is not a "clean acquittal" but is a result of benefit of doubt/compromise/hostility of witnesses. It is submitted that there is no malice, no arbitrariness, no violation of Article 14 and judicial review does not extend to re-appreciation of suitability assessments by expert bodies. To bolster his submissions, learned counsel for



respondent/State placed reliance on the judgments rendered by Hon'ble Supreme Court in the case of **Commissioner of Police, New Delhi & Another V/s. Mehar Singh** reported in (2013) 7 SCC 685, **State of Madhya Pradesh & Others V/s. Parvez Khan**, reported in (2015) 2 SCC 591, **Umesh Kumar Nagpal v. State of Haryana & Others** reported in (1994) 4 SCC 138.

4. Heard learned counsel for the parties and perused the record.

5. From perusal of record, it is gathered that father of petitioner late Rajkumar Singh Tomar was posted as Assistant Sub-Inspector in police department and during service tenure when he was posted at Police Station Mallgada on 23.10.2022 he passed away. As the father of petitioner had died in harness leaving behind his family, with the consent of all the family members, petitioner submitted an application for grant of compassionate appointment and as per the instructions of the respondents, petitioner submitted attestation form and affidavit before the authorities duly disclosing the pendency of both the criminal cases. After completing all the formalities, respondent No.4 rejected the claim of petitioner pertaining to grant of compassionate appointment treating him ineligible due to pendency of the aforementioned criminal cases. Thereafter, the learned Magistrate acquitted the petitioner of offence related to Crime No.506/2021, on which petitioner requested the authorities to reconsider his case for grant of compassionate appointment. Vide order dated 27.06.2025 (Annexure-P/2) respondent No. 3 referring earlier decision of the scrutiny committee declined to reconsider the claim of petitioner. Meanwhile, petitioner was acquitted in the second criminal case also vide judgment dated 24.04.2025 and petitioner submitted application on 29.04.2025 before the respondents. Respondent No. 4 again referring to earlier decision of the scrutiny committee



declined to reconsider the claim of petitioner by order dated 14.07.2025 (Annexure P-3). Petitioner has duly disclosed pendency of both the criminal cases pending against him in attestation form as well as affidavit and the offences in question are not the offences of moral turpitude. Further, it appears that due to matrimonial dispute between husband and wife who are brother and sister-in-law (Bhabhi) of petitioner, petitioner was falsely roped in the aforesaid criminal cases being family member and without there being any fault on the part of petitioner, he faced the criminal trial of said cases, however, respondents rejected the claim of petitioner on account of pendency of said criminal cases and even after being acquitted in them, respondents did not grant compassionate appointment to petitioner.

6. The Hon'ble Apex Court in the case of **Pramod Singh Kirar (supra)** has held as under:

6. At the outset, it is required to be noted that the appellant applied for the post of Constable in the year 2013 and as such was found to be meritorious and was found eligible to be appointed as Constable. In the verification form itself he declared that he was tried for the offence under Section 498A of IPC earlier. Therefore, as such there was no suppression on the part of the appellant in not disclosing true and correct facts. It is also required to be noted that the appellant came to be acquitted for the offence under Section 498A of IPC vide judgment and order dated 30.10.2006 i.e., 7 years before he applied for the post of Constable. From the judgment and order of acquittal passed by Trial Court it appears that there was a matrimonial dispute which ended in settlement and the original complainant did not support the case of the prosecution and was declared hostile in view of settlement out of the court and the other prosecution witness(s) examined in the case did not corroborate the prosecution story. Thus, it can be seen that the appellant did not face the prosecution for the other offences of IPC. Therefore, for whatever has happened in the



year 2001 and the criminal case for the offence under Section 498A resulted in acquittal in the year 2006, the appellant should not be denied the appointment in the year 2013/2014. **The offence for which he was tried ultimately resulted into acquittal had arisen out of the matrimonial dispute which ultimately ended in settlement out of the court.** Under the circumstances and in the peculiar facts of the case, the appellant could not have been denied the appointment solely on the aforesaid ground that he was tried for the offence under Section 498A of IPC and that too, for the offence alleged to have happened in the year 2001 for which he was even acquitted in the year 2006 may be on settlement (between husband and wife).

7. Now so far as the reliance placed upon the decision of this Court in the case of Anil Kanwariya (supra) relied upon by the learned counsel appearing on behalf of the respondent – State is concerned on facts the said decision shall not be applicable. It was a case where the candidate as such suppressed the antecedents and by suppressing the material facts obtained appointment by fraud/misrepresentation and suppression of material fact. In that case the employee was convicted for the offences under Section 343 and 323 of IPC. Therefore, at the time of appointment he was found to be convicted. Therefore, his termination came to be upheld by this Court. In the present case such is not the situation. Neither there was any suppression of material fact on the part of the appellant nor he was convicted for any offence under the IPC. The alleged incident was of the year 2001 which resulted into acquittal in the year 2006 and he applied for the post of Constable in the year 2013/2014.

8. In view of the above and for the reasons stated above, the Division Bench of the High Court has materially erred in denying the appointment to the appellant on the post of Constable and has materially erred in quashing and setting aside the judgment and order passed by the learned Single Judge.

However, at the same time, on the principle of no work no pay, the appellant shall be entitled to all the benefits from the date of actual appointment.

9. In view of the above and for the reasons stated above the impugned judgment(s) and order(s) passed by the Division Bench of



the High Court is/are quashed and set aside. The judgment and order passed by the learned Single Judge to the extent setting aside the order of cancelling the candidature and non-appointment of the appellant as Constable is hereby restored. The respondent(s) are directed to appoint the appellant to the post of Constable, as otherwise, he was found to be meritorious and eligible for the post of Constable within a period of four weeks from today. However, it is observed that he shall be entitled to all the benefits from the date of actual appointment only. Present appeals are allowed to the aforesaid extent.

No costs.”

7. From perusal of judgment and order of acquittal passed by Trial Court, it appears that there was a matrimonial dispute which ended in settlement and the original complainant did not support the case of prosecution and was declared hostile in view of settlement out of the court and the other prosecution witness(s) examined in the case did not corroborate the prosecution story.

8. Therefore, for whatever has happened from 2015 to 2021 and the criminal cases for the offence under Section 498A IPC resulted in acquittal on 24.04.2025 (Annexure P-7), petitioner should not have been denied the appointment in the year 2025. The offence for which he was tried and resulted into acquittal had arisen out of the matrimonial dispute which ultimately ended in settlement out of the court. Under these circumstances and in the peculiar facts of the case, the petitioner could not have been denied the appointment solely on the aforesaid ground that he was tried for the offence under Section 498A of IPC and that too, for the offence alleged to have happened in the year 2015 to 2021 in which he was even acquitted in the year 2025 may be on settlement (between husband and wife).



9. In the light of aforesaid, this Court is of the considered opinion that present petition has substance and is therefore *allowed and disposed of* in the following manner:

- (i) Respondents are directed to go ahead with the process of appointment and grant compassionate appointment to petitioner on the post of Constable as per order dated 11.01.2023 (Annexure P-5) and letter dated 03.01.2023 issued by Superintendent of Police, Gwalior.
- (ii) Consequently, order dated 14.04.2023 (Annexure P-1), dated 27.06.2025 (Annexure P-2) and dated 14.07.2025 (Annexure P-3) are hereby quashed.
- (iii) Respondents are directed to comply with the direction contained in (i) as above within a period of two months from the date of receipt of certified copy of this order.

(Anand Singh Bahrawat)
Judge

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