



2026:AHC:156387-DB

AFR

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 32565 of 2021

Bharat Lal Gupta

.....Petitioner(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Petitioner(s)	: Ajay Sengar, Mritunjay Verma, Vishnu Kant Tiwari
Counsel for Respondent(s)	: C.S.C.

Court No. - 5

**HON'BLE PRAKASH PADIA, J.
HON'BLE VIVEK SARAN, J.**

Per: Justice Vivek Saran

1. Heard Sri Amit Kumar Singh holding brief of Sri Vishnu Kant Tiwari, learned counsel for the petitioner and learned Standing Counsel for the State respondents.
2. The present writ petition has been filed by the petitioner with the prayer to call for the records and quash the impugned order dated 01.11.2021 passed by respondent no.3 rejecting the application for renewal of the Character Certificate as renewed earlier and further to direct the respondent no.2 to consider and pass a fresh order in accordance with law upon the application dated 4.1.2021 submitted by the petitioner for issuance of the Character Certificate as issued earlier.
3. It is informed by learned counsel for the petitioner that he does not wish to file rejoinder affidavit in response the counter affidavit filed by the learned Standing Counsel on behalf of respondent no.2.
4. In para no.23 of the counter affidavit it is stated that the petitioner is not entitled to have any relief from this Hon'ble Court, hence petition is liable to be dismissed.

5. Learned counsel for the petitioner submits that application for grant of Character Certificate to the petitioner was rejected by the District Magistrate, Jalaun at Orai/Respondent No.2 vide order dated 01.11.2021, hence present writ petition has been filed. Learned counsel for the petitioner has placed reliance upon the judgement and order dated 28.05.2025 passed in **Writ-C No.718 of 2025, Anil Kumar Vs. State of U.P. and others (Neutral Citation No.2025:AHC-LKO:32272-DB)** along with connected matters. He has placed reliance upon para no.19 and 20 of the aforesaid judgement which reads as follows:-

"19. In this case also on account of pendency of a criminal case bearing Case Crime No.138 of 2018 under Section 323, 504 and 506 IPC issuance of character certificate to the petitioner has been declined.

20. In view of the reasons already given by us in our order dated 26.05.2025, the impugned order is quashed. The concerned authority whether it is Superintendent of Police or the District Magistrate should issue a certificate on the format mentioned in the above quoted order and in terms thereof, within a period of three weeks from the date a certified copy of this order is submitted."

6. It is thus argued that the application for grant of Character Certificate having been rejected before the order of acquittal was passed by the Criminal Law Court, the respondent is required to revisit the decision in the light of the law laid down in the case of **Avatar Singh v. Union of India, 2016 (8) SCC 471** and the principle enunciated vide paragraph 38 runs as follows:

"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."

7. It is submitted further that in identical set of facts, writ petition was filed by one **Naveen Rajhansh** being writ A No. 6543 of 2023, (**Naveen Rajhans, State of U.P and 5 Others**), decided on 28.4.2023, who was

selected in Civil Police, but was not being offered appointment only on account of pending criminal case. This Court considered this aspect of the matter in the light of judgment of **Avtar Singh (supra)** and allowed the writ petition by setting aside the order with a further direction to process appointment of that petitioner.

8. It was a criminal case instituted in the year 2020 which have been disclosed by the petitioner however, he does not dispute the legal proposition as discussed in the case of Naveen Rajhansh and also another judgment of the High Court in the case of **Sonu Yadav v. State of U.P. and 5 Others, Writ A No. 4577 of 2019, decided on 8th January, 2021.**

9. In the present case the prayer to grant character certificate in favour of the petitioner was rejected due to pendency of Case Crime No.913 of 2018 under Sections 323, 504 and 506 IPC.

10. From the perusal of the aforesaid judgement, relevant paragraphs of which have already been quoted above, we are of the opinion that due to pendency of the aforesaid case under Section 323, 504 and 506 IPC, the application for grant of character certificate could not be rejected.

11. In this view of the matter, the order dated 01.11.2021 passed by respondent no.2 brought on record as Annexure-10 to the writ petition is hereby quashed.

12. The concerned authority namely District Magistrate should issue a certificate on the format mentioned in the aforesaid judgement and in terms thereof within a period of three weeks from the date of production of certified copy of this order.

13. The writ petition thus stands **allowed** as above.

14. Learned counsel for the petitioner is further directed to place the copy of the certified copy of the judgement as referred above along with copy of this order before the respondent no.2.

(Vivek Saran,J.) (Prakash Padia,J.)

July 28, 2026
Gaurav Kuls