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**IN THE SUPREME COURT OF INDIA**
CIVIL APPELLATE JURISDICTION
***SANJAY KAROL; J., AUGUSTINE GEORGE MASIH; J.***
SLP(CIVIL) NO. 7197 OF 2026; AUGUST 11, 2026

**SHATRUGHN YADAV**
*versus*
**THE FERTILIZERS AND CHEMICALS TRAVANCORE LTD. (F.A.C.T.) AND OTHERS**

**Service Law – Recruitment / Verification of Antecedents – Suppression of Criminal Cases – Two-Pronged Enquiry Test – Knowledge as Pre-requisite for Suppression - Service Jurisprudence – Suppression of Criminal Antecedents / Non-Disclosure: The enquiry to be undertaken by the employer prior to terminating the services of an employee on the ground of suppression of information regarding criminal antecedents is essentially two-pronged – i. *Factual Enquiry:* Whether there has, in truth, been any deliberate suppression or furnishing of false information by the candidate, having regard to the extent of his knowledge at the relevant time and the circumstances in which the declaration came to be made – ii. *Application of Mind / Gravity Assessment:* The employer/authorities must apply their mind to the specific facts and circumstances of the case, including the type/nature of suppression, the nature of allegations, role and gravity of the offence, the nature of the post and duties attached to it, and the eventual outcome of the criminal proceedings (if concluded), to arrive at a considered conclusion as to whether continuation in service is feasible or if termination is the only available option.** *[Paras 24-30]*

**Knowledge as a Pre-requisite for *Suppressio Veri* / *Suggestio Falsi*: Knowledge of a fact is a necessary pre-requisite for its non-disclosure - The concept of suppression presupposes awareness of that which is suppressed; a person cannot be said to have withheld or concealed something of which they had no knowledge in the first place - Where the very existence of a criminal antecedent is not shown to have been within the candidate's knowledge at the relevant time (substantiated by cogent material such as character certificates, lack of summons/arrest, and subsequent deletion of name after investigation), the candidate cannot be held guilty of suppression or supplying false information - the onus lies upon the candidate to substantiate the claim of bona fide ignorance with reliable material, and a bare plea of ignorance will not suffice - Termination is not an automatic consequence of the mere existence/disclosure of criminal antecedents. An employer must not act mechanically and must evaluate the candidate's suitability rather than passing an order of termination without applying its mind to the nature of the post, the gravity of the offence, and the final outcome of the case.** *[Paras 20–34]*

**Constitution of India – Article 226 – Maintainability of Writ Petition vs Alternative Remedy - The existence of an alternative remedy (such as raising a dispute under the Industrial Disputes Act, 1947) does not operate as an absolute bar to the exercise of writ jurisdiction under Article 226 of the Constitution, particularly where the challenge is directly to the legality and validity of the order of termination itself.** *[Relied on Avtar Singh v. Union of India and Others, (2016) 8 SCC 471; Ravindra Kumar v. State of U.P. and Others, 2024 INSC 131; Umesh Chandra Yadav v. Inspector General and Chief Security Commissioner, Railway Protection Force, Northern Railway, New Delhi and Others, (2022) 14 SCC 244; Paras 18-25].*

*For Petitioner(s): Mr. PV. Dinesh, Sr. Adv. Ms. Anna Oommen, Adv. Mr. Abdulla Naseeh V.T., AOR*

*For Respondent(s): Mr. Parthiv Goswami, Sr. Adv. Mr. Siddhartha Jha, AOR Mr. Kartik Jha, Adv. Ms. Atiga Singh, Adv. Ms. Nitika Sud, Adv.*

**J U D G M E N T**

***AUGUSTINE GEORGE MASIH, J.***

**1.** Leave granted.

**2.** The present appeal arises from the judgment and order dated 04.07.2025 of the High Court of Kerala at Ernakulam in Writ Appeal No.414 of 2025 whereby the High Court upheld the judgment and order of the Single Judge and dismissed the appellant's challenge to the termination order.

**3.** The brief factual matrix is that the appellant was appointed to the post of Technician (Process) by the Fertilizers and Chemicals Travancore Ltd. on 05.05.2021 on consolidated pay for an initial tenure of two years. At the time of joining, he submitted an attestation form declaring that there was no criminal case pending against him.

**4.** Six months later, a letter was forwarded by the respondent to the District Magistrate for verification of the appellant's criminal antecedents. In response, vide letter dated 22.03.2022, the District Magistrate disclosed that a Non-Cognizable Report (hereinafter, 'NCR') dated 03.04.2019 had been registered against the appellant under Sections 323 and 504 of the IPC. Consequently, a show cause notice was issued to the appellant on 30.04.2022, directing him to furnish reasons as to why his services should not be terminated on the ground of furnishing false information.

**5.** The appellant submitted his reply to the aforesaid notice stating that he had acted in a bona fide manner and had not suppressed or given false information as he was not aware of the registration of the NCR. He had not received any summons, nor was he arrested with respect to the said report, and therefore, he had no means to know that the said case was registered against him. To support his case, he enclosed with his reply a photocopy of a certificate dated 09.07.2020 issued by the Superintendent of Police, District Maharajganj which stated that there was no entry against the candidate as per the information received from the concerned police station, local intelligence unit and the District Crime Records Bureau.

**6.** A further representation dated 06.06.2023 was submitted by the appellant enclosing the final report which recorded that the police had found no evidence against him and therefore his name had been deleted from the array of the accused persons. This, he pleaded, fortified his stand of not being aware of the registration of the report.

**7.** However, the respondents were dissatisfied with the reply. After granting a few more opportunities to substantiate his claim, a termination letter was issued to the appellant on 05.08.2023 cancelling his appointment.

**8.** Aggrieved, the appellant approached the High Court by filing Writ Petition No.37484 of 2023 challenging the order of termination. The learned Single Judge declined to interfere, holding that the appellant's claim of being unaware of the NCR involved a disputed question of fact requiring proof. By the impugned order, the Division Bench concurred with the Single Judge and dismissed the appeal. The appellant is therefore now before this Court by way of the present appeal.

**9.** Learned counsel for the appellant submits that the High Court has erred in not appreciating the facts and circumstances of the case. He places reliance on the judgments in *Ravindra Kumar v State of UP*[1] and *Avtar Singh v Union of India*[2] to contend that the question to be examined is not whether there is non-disclosure simplicitor, but whether there was deliberate suppression or supply of false information on the part of the candidate. Each case has to be examined on its own merits and termination cannot be an automatic consequence of existence of criminal antecedents.

**10.** It is submitted that such an exercise has not been undertaken in the appellant's case. The appellant's consistent stand has been that he had no knowledge of the existence of the NCR, therefore his declaration was bona fide.

**11.** It is contended that this stand is further strengthened by the character certificate issued by the Police on 09.07.2020, and the subsequent certificate stating that the appellant's name was deleted from the array of accused persons as no evidence was found against him. Since he was never called to the police station or associated in the investigation, nor was he arrested, he had no knowledge of the proceedings and answered the question on the form truthfully, to the best of his knowledge.

**12.** It is further submitted that the High Court also erred in holding that it lacked the jurisdiction to examine the appellant's case on the ground that it involved disputed questions of fact, since the real issue was the legality of the termination of the appellant's appointment.

**13.** Learned counsel for the respondents, on the other hand, supports the impugned judgment and submits that the suppression of information regarding the NCR rendered the appellant unfit for employment. The offer of appointment had been issued to the appellant contingent upon clearance of antecedents. The appellant, despite being aware of the NCR, did not reveal its pendency to the respondents.

**14.** It is also submitted that the discharge of the appellant from the NCR has no bearing on the falsity of the declaration given in the attestation form. Moreover, it is unlikely that he had no knowledge of the NCR since his parents were also charged.

**15.** On the question of jurisdiction, it is submitted that the appellant ought to have exhausted the remedy available under the Industrial Disputes Act, 1947. The matter, being one involving disputed questions of fact, ought not to have been entertained in writ jurisdiction.

**16.** Lastly, it is urged that since the appellant was on probation when his services were terminated, in the event this Court is of the opinion that the appellant ought to be reinstated, his reinstatement ought to be made in the capacity of a consolidated pay period appointee.

**17.** We have heard the learned counsel for the parties and have perused the material on record.

**18.** Before proceeding, we must first address the objection raised on behalf of the respondents as to the maintainability of the writ petition, it being contended that the appellant ought to have availed of the remedy under the Industrial Disputes Act, 1947, and that the matter, involving disputed questions of fact, was not amenable to writ jurisdiction. We are unable to accept this submission. It is settled law that the existence of an alternative remedy does not operate as an absolute bar to the exercise of writ jurisdiction, particularly where the challenge is to the legality of the order of termination itself.

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[1] (2024) INSC 131
[2] (2016) 8 SCC 471

**19.** Now coming to the merits of the case, the issue to be considered by us is whether the action of the respondents in terminating the employment of the appellant, in the given facts and circumstances, was permissible in law.

**20.** The legal position on the issue of suppression of information in verification forms with regard to criminal antecedents has been settled and summarised in a three-Judge Bench decision of this Court in *Avtar Singh (supra).* The relevant paragraphs are reproduced hereinbelow:

*"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.*

*38.5. 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.*

*38.4.3. 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.*

*38.7. 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."*

**21.** What emerges from the above is that the relevant facts and circumstances must be considered in each case. The order of termination must not be mechanical but must have regard to the form of suppression, the outcome of the criminal case, the nature of the employment and of the offence, and any special circumstances. Termination is therefore not an automatic consequence of the disclosure of criminal antecedents; rather, the specific case of the employee must be considered, and the employer must apply its mind before arriving at a decision.

**22.** In a recent decision of this Court in *Ravindra Kumar(supra)* involving non-disclosure of a criminal case in the verification form, this Court granted relief to the appellant therein, having regard to the fact that on the date of the application, no criminal case was pending as he had been acquitted. Due regard was also given to the character certificate by the SHO certifying that the candidate was excellent, and that the appellant's general reputation was good. This Court also noted that the selection had been mechanically treated as irregular merely because the affidavit contained incorrect facts, instead of considering the appellant's suitability for appointment, which was an impermissible approach.

**23.** Similarly, in *Umesh Chandra Yadav v Inspector General and Chief Security Commissioner, Railway Protection Force, Northern Railway, New Delhi and others*[3], where the appellant had failed to furnish information regarding a criminal case wherein he had been discharged as a juvenile, this Court, while granting relief, noted that in the facts and circumstances, such action could not be considered suppression of material information. It was reiterated that termination must not be done arbitrarily and the yardstick to be applied depends on the nature of the post, the impact of suppression and suitability. The relevant paragraph is reproduced hereinbelow:

*"14. This cannot be disputed that the candidate who intend to participate in the selection process is required to furnish correct information relating to his character and antecedents in the verification/attestation form before or after his induction into service. At the same time, it is also true that the person who has suppressed the material information, cannot claim unfettered right of seeking appointment or continuity in service but, at the same time, he has a right not to be dealt with arbitrarily and power has to be exercised in reasonable manner with objectivity having due regard to the facts of the case on hand. The yardstick which has to be applied always depends upon the nature of post, nature of duties, impact of suppression on suitability has to be considered by the competent authority considering post/nature of duties/services and power has to be exercised on due diligence of various aspects at the given time and no hardand-fast rule of thumb can be laid down in this regard."*

**24.** To summarise, the enquiry to be undertaken by the employer, before proceeding to terminate the services of an employee on the ground of suppression of information regarding criminal antecedents, is essentially two-pronged. The first is one of fact: whether there has, in truth, been any suppression or furnishing of false information by the

[3] (2022) 14 SCC 244

candidate, having regard to the extent of his knowledge at the relevant time and the circumstances in which the declaration came to be made. The second prong of enquiry requires the authorities to apply their mind to the specific facts and circumstances of the case including the type of the suppression, the nature of allegations, role and gravity of the offence, the nature of the post and the duties attached to it and wherever relevant the effect thereof, and the eventual outcome of the criminal proceedings, if concluded, in order to arrive at a considered conclusion as to whether the continuation of the employee in service would not be feasible and the only option available is termination from service. It is only where both these stages of enquiries are undertaken and not otherwise, that an order of termination on this ground can be said to be sustainable in law.

**25.** Having elaborated upon the settled law on the issue before us, we now proceed to apply the same to the facts and circumstances at hand.

**26.** Looking at the first prong, whether there has been any suppression or supply of false information on the part of the appellant, we observe that the consistent stand of the appellant is that he had no knowledge of the NCR involving him. Therefore, to the best of his knowledge and in a bona fide manner, he stated in his verification form that there was no criminal case pending against him.

**27.** The appellant has also relied upon a character certificate dated 09.07.2020 by the Senior Superintendent of Police, Maharajganj, that stated that there were no adverse entries against the appellant in the police records. Pertinently, this certificate was given subsequent to the date of the lodging of the NCR i.e. 03.04.2019.

**28.** The appellant has also brought on record a subsequent certificate dated 09.08.2023 issued by the Sub-Inspector of Police, Nichlaul, Maharajganj, Uttar Pradesh, disclosing that although the appellant was initially arrayed in the NCR, his name was later removed after investigation as no evidence was found against him. It was also certified that he was neither called to the police station nor was he arrested during the relevant period.

**29.** From the above, the claim of the appellant stands substantiated that, in the absence of any summons, and having never been called to the police station, arrested, or questioned, the appellant had no means of knowing about the NCR.

**30.** We are also not persuaded by the submission of the respondents that the appellant could not have been unaware of the NCR since his parents were also named therein. No material has been placed on record to show that the appellant was in fact informed by his parents of the registration of the NCR, or that he was otherwise put to notice of the same. In the absence of any such evidence, the respondents' submission remains a matter of surmise and cannot displace the documentary material relied upon and placed on record by the appellant, particularly the certificate dated 09.07.2020 and the subsequent confirmation of deletion of his name from the array of accused.

**31.** Needless to say, knowledge of a fact is a necessary pre-requisite for its non-disclosure. The very concept of suppression presupposes an awareness of that which is suppressed; one cannot be said to have withheld or concealed something of which one had no knowledge in the first place. It would be both illogical and unjust to hold a candidate liable for suppression of information that was never within his knowledge to begin with. Therefore, where the very existence of a criminal antecedent is not shown to have been within the candidate's knowledge at the relevant time, he cannot be held to have suppressed or furnished false information in that regard, there being no suppression of a fact that was, to him, non-existent.

**32.** We hasten to add that such lack of awareness of the existence of a criminal antecedent is itself a fact that must be established by the candidate, the onus being upon him to substantiate the claim before the employer. A bare plea of ignorance, without cogent and reliable material to assert such claim, will not suffice to escape liability. Were it otherwise, the requirement of disclosure in verification forms would be rendered illusory, open to circumvention by simply pleading ignorance. In the present case, as discussed above, we find that the appellant's consistent claim of bona fide ignorance of the NCR stands duly established by documentary evidence on record.

**33.** The second prong of the enquiry to be undertaken is whether the criminal antecedent, and the suppression, if any, is of such nature that merits termination of employment. In the present case, we observe that although sufficient opportunity was granted to the appellant to put forth his case, the authorities have not undertaken such enquiry. They have not considered the specific facts and circumstances and have proceeded under the presumption that existence of the criminal antecedent would automatically render the appellant ineligible for the post. There have been no specific findings regarding the specific nature of the offence and its impact on the nature of the post held by the appellant, and the subsequent discharge of the appellant has not been given due consideration.

**34.** In light of the above, we answer the issue framed by us in the negative, and hold that the termination of the appellant was not permissible in law, as it fails on both the prongs, the order being illegal as well as without application of mind.

**35.** In the facts and circumstances, since there is nothing on record to indicate that the appellant was otherwise unfit for the post in terms of qualifications, and nothing has been brought on record regarding his work being unsatisfactory, we set aside the order of termination of the appellant and direct reinstatement in service forthwith with all consequential benefits, except for backwages which will be restricted to 50% to be paid within a period of eight weeks from today failing which interest @6% per annum will be payable from the date the amount became due till disbursal.

**36.** The appeal is allowed in the aforesaid terms.

**37.** Pending applications, if any, stand disposed of.