



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Special Appeal (Writ) No. 210/2026

CNR: RJHC020127782026 | URN: SAW / 529U / 2026

In

S.B. Civil Writ Petition No.7994/2023

1. The State of Rajasthan, Through Its Secretary, Education Department, Government of Rajasthan, Secretariat, Jaipur.
2. The Director, Secondary Education, Rajasthan, Bikaner.
3. The District Education Officer, Headquarter, Secondary, Jaipur.
4. The Chief Block Education Officer, Block Bassi, District Jaipur.
5. The Principal, Government Senior Secondary School, Kacholiya, Bassi, District Jaipur.

-----Appellants/Respondents

Versus

Jeetendra Kumar Choudhary S/o Gopal Lal Choudhary, Aged About 30 Years, Resident of Village Palawala Jatan, Tehsil Bassi, District Jaipur, Rajasthan.

-----Respondent/Petitioner

For Appellant(s)	:	Mr. Abhishek Sharma, Ms. Pooja Sharma, AAAG and Mr. Vishal Kumar (for State)
For Respondent(s)	:	Ms. Sarah Saurabh Sharma

**HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE CHANDRA SHEKHAR SHARMA**

JUDGMENT

Date of conclusion of Arguments	:	12.08.2026
Date on which judgment was reserved	:	12.08.2026
Whether the full judgment or only the operative part is pronounced	:	Full judgment
Date of pronouncement	:	<u>5th</u>.09.2026



(Per Hon'ble the Acting Chief Justice)

1. The present Special Appeal (Writ) has been preferred by the State and other authorities assailing the judgment dated 02.05.2025 passed by the learned Single Judge, whereby the writ petition preferred by the respondent herein, was allowed and it was directed as under:

"13. In view of the above, the writ petition succeeds and the respondents are directed to allow the petitioner to join on the post of Basic Computer Instructor pursuant to appointment order dated 13.04.2023. He is also entitled for all consequential benefits, in notional terms, from the date on which other persons appointed through aforesaid appointment order dated 13.04.2023 have been allowed to join their services.

14. The writ petition is hereby allowed in the aforesaid terms.

15. Stay application and all pending application(s), if any, also stand disposed of."

2. The brief facts which need to be noticed for adjudication of this appeal are that an advertisement was issued on 01.02.2022 by the Rajasthan Staff Selection Board, Jaipur, inviting applications for the post of Basic Computer Instructor. Respondent/writ-petitioner applied and was appointed *vide* order dated 13.04.2023 by the Appellant No.3-District Education Officer, Headquarter, Secondary, Jaipur, subject to satisfactory verification of his character and antecedents before allowing him to join.



3. It appears that during the verification, the Authorities came to know of First Information Report (FIR) registered against the writ-petitioner at Police Station Toonga, Jaipur for the offences punishable under Sections 147, 148, 149, 323, 324 and 326 of the Indian Penal Code (IPC), pursuant to which, a charge-sheet had been filed before the competent Court on 24.07.2013 and the criminal proceedings were pending as per the communication dated 04.04.2023 issued by the Office of Commissioner of Police, Jaipur.

4. Based on the aforesaid, the State Authorities declined to permit the respondent/writ-petitioner to join, resulting in filing of the writ-petition by the respondent/writ-petitioner with the following prayers:-

"(i) Issue an appropriate writ order or direction in the nature thereof thereby, the respondent be directed to issue appointment order in favour of petitioner and thereby allow the petitioner to join on the post of Basic Computer Instructor in pursuance order dated 13.04.2023;

(ii) By an appropriate writ, order or direction in the nature thereof thereby, the respondents may kindly be directed not to cancel the appointment of petitioner on the post of Basic Computer Instructor due to pendency of criminal case against the petitioner;

(iii) Pass any other appropriate order which this Hon'ble Court deem fit, just and proper in the facts and circumstances of the case in favour of the petitioner,

(iv) Cost of the writ petition be also awarded in favour of the petitioner."

5. The learned Single Judge after taking into consideration the contentions raised by the respondent/writ-petitioner as well as by the appellants reached to the conclusions that merely because of



the criminal case pending against the writ-petitioner, it could not be treated as a disqualification from public employment.

6. The learned Single Judge has relied on the law as laid down by the Hon'ble Apex Court in the cases of **Pawan Kumar vs. State of Haryana & Ors.** reported in (1996) 4 SCC 17; **Avtar Singh vs. Union of India & Ors.** reported in (2016) 8 SCC 471; **Ravindra Kumar vs. State of Uttar Pradesh and Ors.** reported in (2024) 5 SCC 264 as well as a judgment passed by another learned Single Judge in the case of "**Ranveer Kumar vs. Jodhpur Vidhyut Vit. Nigam Ltd. And Anr.**" (*S.B. Civil Writ Petition No.6136/2015*), decided on 02.08.2024 at Principal Seat, Jodhpur.

7. In the case of **Ranveer Kumar** (*supra*), the learned Single Judge observed that presumption of innocence continues until the person is found guilty upon conclusion of a criminal trial, mere involvement in a criminal case cannot by itself be regarded as conclusive of the character or suitability of the person for public employment.

8. Learned counsel appearing for the appellants has relied upon Department of Personnel's Circulars dated 15.07.2016 and 04.12.2019, which laid down instructions regarding consideration of candidates against whom criminal proceedings are pending.

9. While the learned counsel did not take up the argument which they had taken up before the learned Single Judge of non-disclosure of the pendency of the criminal case on account that there was no such requirement under the form. Learned counsel also submitted that the pendency of criminal proceedings was sufficient to make the respondent ineligible for appointment.



10. The view expressed in the case of **Ranveer Kumar** (*supra*), *prima facie*, is not sustainable in law, while it is true that presumption of innocence continues until a person is found guilty. The question before the Court is not of whether a person is guilty or not. It is a question whether such a person should be allowed to join the government service. One cannot presume that in a pending criminal case, a person who is seeking employment would be acquitted, as charge-sheet had been filed by the police, chances are usually of conviction. On the said basis, therefore, the State Authorities are correct in withholding appointment till disposal of the criminal case. A person facing criminal charges getting employment would give a wrong message to the other persons as obviously such a person's character cannot be said to be clean and would be in a cloud till he is acquitted. The law laid down in the case of **Ranveer Kumar** (*supra*) is not with regard to appointment and the same is clearly distinguishable.

11. It may be noticed that during the pendency of the case, the respondent was acquitted in the criminal case *vide* judgment dated 04.12.2025. Copy of the judgment is also placed on record for our perusal.

12. From perusal of the judgment passed in the criminal case, we find that writ-petitioner was arrayed as an accused along-with all the family members. A case was registered on the basis of complaint filed in the Court and the Trial Court has reached to the conclusion that complainant themselves were the aggressors who had entered into the field, while the family members of the writ-petitioner were cultivating and an open fight occurred. It also reached to the conclusion that medical reports were not proved





and had been prepared in the private hospital and did not match the allegations levelled. The Investigating Officer stated that he had not referred the injured to the concerned private hospital. No weapon was recovered from the petitioner.

13. In the circumstances, we notice that the acquittal of the petitioner cannot be said to be having any bar.

14. While the Circulars may not have been challenged, we find that this Court cannot lose sight of the fact that petitioner stands acquitted. In the circumstance, since he has already been selected, he should be allowed to join. The order passed by the learned Single Judge granting benefits notionally including seniority and benefits from the date, the other candidates joined, cannot be said to be in any manner illegal or unjustified.

15. While we do not confirm to the opinion taken by the learned Single Judge that a candidate would be entitled to join service even during the pendency of the criminal case, since the petitioner is acquitted, we find that final order passed by the learned Single Judge is sustainable in law.

16. We, therefore, dismiss the present Special Appeal (Writ) on the facts and circumstances of the case and uphold the order passed by the learned Single Judge dated 02.05.2025.

17. All pending applications stand disposed of.

(CHANDRA SHEKHAR SHARMA),J

(SANJEEV PRAKASH SHARMA),ACTING CJ

Himanshu Soni/Amit/Reserved