

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3053 of 2026**

**CNR No. BRHC010162912026**

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Rahul Kumar Son of Sheshnath Prasad, Resident of Village Chhitauli, P.O. Parshurampur, P.S. Manjhagarh, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Sardar Patel Bhawna, Bailey Road, Patna, Bihar.
2. The Central Selection Commission, (Constable Appointment), Sardar Patel Bhawan, 6th Floor, Block A/626, Bailey Road, Patna, Bihar.
3. The Commandant, Bihar Special Armed Police- 6, Muzaffarpur.

... .. Respondent/s

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**Appearance :**

|                      |   |                                        |
|----------------------|---|----------------------------------------|
| For the Petitioner/s | : | Mr. Akhilesh Dutta Verma, Advocate     |
| For the State        | : | Mr. Braj Bhushan Mishra, A.C. to AAG-9 |
| For the C.S.B.C.     | : | Mr. Sanjay Pandey, Advocate            |
|                      |   | Mr. Binod Kumar Mishra, Advocate       |
|                      |   | Mr. Vivek Anand Amritesh, Advocate     |

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**CAV JUDGMENT**

**Date : 13-10-2026**

1. Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The petitioner has filed the instant application for the following relief (s) :-

*“1. That, this application is for issuance of writ in the nature of certiorari for quashing the Memo No. 2683 dated 01.08.2025 (Annexure: P/3) issued under the signature of Commandant Bihar Special Armed Police-6, Muzaffarpur whereby and where under the selection of the petitioner has been cancelled only on the ground that a Manjhagarh P.S.*



*Case bearing Manjhagarh P.S. Case No. 24 of 2016 instituted against the petitioner along with more than 150 (One Hundred and Fifty) peoples on 16.10.2016 under Section 147/148/149/351/323/504/329/294/153(A)/295 (A)/296/427/506 I.P.C. which is now disposed of by the Juvenile Justice Board vide order dated 17.10.2025 along with other consequential benefits and also for other order/ orders, writ /command/direction/ directions in the facts and circumstances of the case."*

3. The case of the petitioner in brief is that on the Central Selection Board of Constable Recruitment (hereinafter referred to as 'the Board') coming out with an advertisement no.1 of 2023 for appointment of Constables in the Bihar Police, the petitioner being eligible in all respects filed an application. He appeared in the written examination on 21.8.2024 and was declared successful. Thereafter the petitioner appeared in the physical examination on 16.1.2025 and being successful, was directed to join as a Constable in Bihar Special Armed Police-6 (BSAP-6) at Muzaffarpur where he joined on 1.6.2025. It thereafter transpires that the petitioner was asked to fill up and submit the verification form wherein with respect to the specific question as to whether the



candidate has been accused in any civil or criminal case, the categorical answer of the petitioner was 'no'. On verification of the antecedent of the petitioner, it transpired that the petitioner had suppressed the pendency of an FIR wherein the petitioner was an accused appertaining to Manjhagarh P.S. Case no.24 of 2016 and on account of the said suppression and concealment of fact, by order dated 1.8.2025 (Annexure-P/3) passed under the signature of the Commandant, BSAP-6, Muzaffarpur, the appointment of the petitioner on the post of Constable in BSAP-6 was cancelled. It is against this order contained in memo no.2683 dated 1.8.2025 (Annexure-P/3) that the petitioner has preferred the instant application.

4. Learned counsel for the petitioner submits that so far as the FIR is concerned, it was registered against 75 named and 10 unknown accused persons. The allegations levelled therein so far as the petitioner is concerned, were trivial in nature. The matter with respect to the petitioner who was a juvenile on the date of the alleged occurrence was referred to the Juvenile Justice Board at Gopalganj wherein by order dated 17.10.2025 (Annexure-P/4), the case came to an end by the order of the J.J. Board with a direction to the petitioner to provide/plant 40 trees in the Forest Division at Gopalganj.



Learned counsel for the petitioner further submits that in view of the facts and circumstances of the case and the nature of allegation in the FIR, the Hon'ble Supreme Court in a number of decisions has held that persons such as the petitioner, taking into account their age at the relevant time and the nature of offence alleged against them should not be treated as criminal.

5. The application is opposed by learned counsel appearing for the respondents. It is submitted by the learned counsel for the respondents that there is no doubt with respect to the fact that while the advertisement in question was published in the year 2023, the criminal case wherein the petitioner was made an accused was registered as far back as in the year 2016 itself. The petitioner was well aware of the accusation and still suppressed the fact even in the application form as also in the verification form and has categorically replied to the question with respect to pendency of the criminal case in the negative. The pendency of the FIR having been discovered by the authorities in the verification, the appointment of the petitioner came to be cancelled by the order impugned dated 1.8.2025. Learned counsel submits that there being no dispute with respect to the facts of the case, there is no illegality in the order impugned and the selection



and appointment of the petitioner was rightly cancelled by the respondents.

6. Heard learned counsel for the parties and perused the material on record.

7. The facts not in dispute are that pursuant to his appointment as Constable in the Bihar Police, the petitioner having given an incorrect information to the effect that he had not been made accused in any criminal case, led to the order impugned dated 1.8.2025 being passed by the Commandant, BSAP-6, Muzaffarpur cancelling the selection of the petitioner.

8. On perusal of the record, it transpires that an FIR being Manjagarh P.S Case no.24 of 2016 was registered under sections 329, 295A besides other sections of the Indian Penal Code, wherein chargesheet was submitted and cognizance was taken by the learned Court below. The petitioner was declared a juvenile and by order dated 17.10.2025 passed in Manjagarh P.S Case no. 24 of 2016 by the Juvenile Justice Board, Gopalganj, on accepting his guilt, the petitioner was directed by the J.J Board to plant 40 trees in the premises of the Upgraded Middle School, Chhitauli, Police Station Manjagarh in District Gopalganj and to look



after them for a period of one month. Further direction was given to the Divisional Forest Officer, Gopalganj to make the trees available to the petitioner and the criminal case was disposed of.

9. Further perusal of the order dated 17.10.2025 shows that the Board took into consideration the fact of the family of the petitioner/juvenile being educated and disciplined. It also took into consideration that there was no negative comment against the petitioner nor complaint against him from the society nor was he of a criminal bent of mind.

10. At this stage, it would be relevant to refer to the judgment in the case of *Avtar Singh vs. Union of India & Ors.*; (2016) 8 SCC 471, the Hon'ble Supreme Court held as follows:

*“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.”*



11. Further, in the case of ***Ravindra Kumar vs. State of Uttar Pradesh & Ors.; (2024) 5 SCC 264***, the Hon'ble Supreme Court has held as follows:

*“23. As would be clear from Avtar Singh, it has been clearly laid down that though a person who has suppressed the material information cannot claim unfettered right for appointment, he or she has a right not to be dealt with arbitrarily. The exercise of power has to be in a reasonable manner with objectivity and having due regard to the facts. In short, the ultimate action should be based upon objective criteria after due consideration of all relevant aspects.*

*24. Avtar Singh also noticed the judgment in Commr. of Police v. Sandeep Kumar. In Sandeep Kumar, this Court set out the story of the character “Jean Valjean” in Victor Hugo's novel Les Miserables, where the character was branded as a thief for stealing a loaf of bread for his hungry family. It also discussed the classic judgment of Lord Denning in Morris v. Crown Office [Morris v. Crown Office and concluded as follows :*

*“10. ... In our opinion, we should display the same wisdom as displayed by Lord Denning.*

*11. As already observed above, youth often commits indiscretions, which are often condoned.*

*12. It is true that in the application form the respondent did not mention that he was involved in a criminal case under Sections 325/34IPC. Probably he did not mention this out of fear that if he did so he would automatically be disqualified. At any event,*



it was not such a serious offence like murder, dacoity or rape, and hence a more lenient view should be taken in the matter.”

25. Thereafter, in Avtar Singh dealing with Sandeep Kumar, this Court observed as under :

“24. ... This Court has observed that suppression related to a case when the age of Sandeep Kumar was about 20 years. He was young and at such age people often commit indiscretions and such indiscretions may often be condoned. The modern approach should be to reform a person instead of branding him a criminal all his life. In Morris v. Crown Office [Morris v. Crown Office, the observations made were that young people are no ordinary criminals. There is no violence, dishonesty or vice in them. They were trying to preserve the Welsh language. Though they have done wrong but we must show mercy on them and they were permitted to go back to their studies, to their parents and continue the good course.”

.....

32. The nature of the office, the timing and nature of the criminal case; the overall consideration of the judgment of acquittal; the nature of the query in the application/verification form; the contents of the character verification reports; the socio-economic strata of the individual applying; the other antecedents of the candidate; the nature of consideration and the contents of the cancellation/termination order are some of the crucial aspects which should enter the judicial verdict in adjudging suitability and in



*determining the nature of relief to be ordered.*

*33. Having discussed the legal position above, it is necessary to set out certain special features that obtain in the case at hand.*

*33.1. The appellant hails from the small Village Bagapar, PO Kataura, Police Station Gauri Bazar, District Deoria, U.P.*

*33.2. On the date of the application, there was no criminal case pending and there was no suppression in the application form.*

*33.3. The criminal case was registered when he was 21 years of age for the offences very similar to the one referred to in Sandeep Kumar and even in the criminal case he was acquitted.*

*33.4. No doubt, the multiple columns in the verification affidavit, questions were asked from him in different permutations and combinations. He must have been in a deep dilemma as there was an imminent prospect of losing his employment.*

.....

*34. On the facts of the case and in the backdrop of the special circumstances set out hereinabove, where does the non-disclosure of the unfortunate criminal case, (which too ended in acquittal), stand in the scheme of things? In our opinion on the peculiar facts of the case, we do not think it can be deemed fatal for the appellant. Broad-brushing every non-disclosure as a disqualification, will be unjust and the same will tantamount to being completely oblivious to the ground realities obtaining in this great, vast and diverse country. Each case will depend on the facts and circumstances that prevail thereon, and the court will have to take*



*a holistic view, based on objective criteria, with the available precedents serving as a guide. It can never be a one size fits all scenario.*

(emphasis supplied)

12. So far as the facts of the instant case are concerned, while there is no doubt that there was suppression on part of the petitioner on his not having disclosed about the pendency of a criminal case, FIR of which was registered as far back as in the year 2016 itself, however at the same time, what needs to be appreciated is that in the said FIR, the petitioner happened to be one of the 85 accused persons, he had been declared juvenile, the nature of allegations contained therein and even on his accepting the guilt, the nature of sentence passed against him of directing him to plant 40 trees in the premises of an upgraded middle school and looking after the same for a period of one month. The trees were also to be provided by the Forest Department.

13. As observed by the Hon'ble Supreme Court in the above judgments, the reason for the petitioner also not disclosing the pendency of the criminal case may have been the fear of automatic disqualification. The allegations can at no level be said to be serious in nature.

14. Taking into consideration the age of the



petitioner and his conduct/report as noted by the Juvenile Justice Board with the observation of the Hon'ble Supreme Court also that the modern approach should be to condone such indiscretions on part of young persons instead of branding them as a criminal all their life, in the facts and circumstances of the case, in the opinion of the Court, the order impugned requires reconsideration by the respondent authorities.

15. In view of the facts and circumstances of the case, the order dated 1.8.2025 (Annexure- P/3) passed by the Commandant, Bihar Special Armed Police- 6, Muzaffarpur, is hereby set aside.

16. The writ application is allowed.

17. The respondents are directed to pass fresh orders, taking into consideration the observations made herein above within a period of four months from the date of receipt/production of a copy of this order.

**(Partha Sarthy, J)**

Shiv/Saurabh

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| <b>CAV DATE</b>          | 10.08.2026 |
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