

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO. 18975 OF 2024 (S-KSAT)

BETWEEN:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY,
HOME DEPARTMENT,
VIKASA SOUDHA
BENGALURU-560001.
2. THE DIRECTOR GENERAL AND
INSPECTOR GENERAL OF POLICE
NRUPATHUNGA ROAD
BENGALURU-560001.
3. THE CHAIRMAN
SELECTION COMMITTEE
SUPERINTENDENT OF POLICE
MYSORE DISTRICT
MYSORE-570001.

...PETITIONERS

(BY SRI. SHIVAREDDY, AGA)

AND:

SRI ARUN KUMAR S/O RAMA BHOVI
AGED ABOUT 27 YEARS
R/AT HONNIKUPPE VILLAGE,
CBT COLONY
AT POST: HUNSUR TALUK
MYSORE DISTRICT-571189.

...RESPONDENT

(BY SRI. VIJAYA KUMAR, ADV.)



THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS AND B) ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION TO SET ASIDE THE IMPUGNED ORDER DATED 11.05.2023 (ANNEXURE-A) IN A.NO-41/2021 PASSED BY THE HONBLE KSAT BENGALURU.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDER ON **08.07.2026** COMING ON THIS DAY, **S.G.PANDIT J.,** PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
AND
HON'BLE DR. JUSTICE K.MANMADHA RAO

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

The petitioners, State of Karnataka represented by Home Department are before this Court questioning the correctness and legality of order dated 11.05.2023 in Application No.41/2021 on the file of the Karnataka State Administrative Tribunal, Bengaluru (for short, 'the Tribunal') by which, endorsement dated 29.09.2018 rejecting respondent's candidature for the post of Police Constable on the ground that the respondent had suppressed pendency of criminal proceedings is quashed with a direction to consider the case of respondent for appointment to the post of Armed Police Constable, if he is otherwise eligible with all consequential benefits.

2. Brief facts of the case are that, the petitioners, more particularly third petitioner issued notification dated 24.08.2017 calling application to fill up the post of Armed Police Constables (men) and in pursuance to the said notification, respondent applied for the said post. The respondent was qualified in the written examination conducted for selection and also qualified in endurance test. The respondent was selected in first provisional list of selected candidates for the post of Armed Police Constable (men) published on 21.05.2018. He was also qualified in the medical test. Subsequently, before appointment, during verification of conduct and antecedents of the respondent, report was received that as on the date of application by the respondent for the post of Armed Police Constable (men), C.C.No.96/2017 was pending before the Civil Judge and JMFC and he was acquitted by judgment dated 25.07.2018. Based on the said report, the petitioners considered the suitability of the respondent and were of the opinion that the respondent is ineligible to the post of Armed Police Constable (men) and accordingly, impugned

endorsement dated 29.09.2018 was issued. Questioning the said endorsement, the respondent was before the Tribunal in the above stated Application and the Tribunal with an observation that without considering as to whether the allegation would constitute a bar to consider for appointment, by referring to judgment, mechanically issued the endorsement, allowed the Application with a direction to consider the case of the respondent for appointment as Armed Police Constable (men). Questioning the said impugned order passed by the Tribunal, the petitioners – State Authorities are before this Court in this writ petition.

3. Heard learned Additional Government Advocate Sri.V.Shivareddy for petitioners and learned counsel Sri.Vijay Kumar for respondent. Perused the entire writ petition papers.

4. Learned Additional Government Advocate Sri.V.Shivareddy for petitioners would submit that the Tribunal failed to appreciate the material on record and by erroneous order, allowed the Application. It is submitted

that the respondent failed to provide information with regard to pendency of the criminal case pending against him as on the date of filing the application (Annexure-A2) on 28.08.2017 in pursuance to recruitment notification at Annexure-A1. Learned Additional Government Advocate would submit that column 14 requires information with regard to the involvement of the candidate in any criminal case/departmental enquiry, wherein, the respondent has stated 'No'. Therefore, he submits that a person who suppresses material information that too, involvement in criminal case would not be eligible and suitable for the post of Armed Police Constable (men) in a disciplined police force.

5. Learned Additional Government Advocate would further submit that in terms of Rule 10 of KCS (General Recruitment) Rules, 1977 (for short, 'Rules, 1977') based on the report with regard to antecedent and conduct of a candidate, the appointing authority shall decide the eligibility or suitability of a candidate. Therefore, he submits that the petitioners were of the opinion that a person who is involved

in criminal case though acquitted subsequently would not be eligible/suitable for the post of Police Constable.

6. Learned Additional Government Advocate places reliance on the decision of the Hon'ble Apex Court in the case of **STATE OF MADHYA PRADESH AND OTHERS VS. RAJKUMAR YADAV (2026 SCC OnLine SC 362)** to contend that the Courts cannot substitute the employer judging a suitability of a candidate and substitute its own opinion. Thus, learned Additional Government Advocate would pray to allow the writ petition.

7. On the other hand, learned counsel Sri.Vijay Kumar for respondent would support the order passed by the Tribunal by submitting that the petitioner authorities while deciding the suitability or eligibility of respondent for the post of Armed Police Constable (men) failed to take note of the fact that the respondent was acquitted of the alleged offences under Section 341, 324, 504 read with Section 34 of IPC. When the respondent is acquitted, he would become eligible for consideration of his case for

appointment. Further, learned counsel for respondent referring to endorsement would submit that the petitioners only on the ground that, from the police report it is found that there was criminal case pending against the respondent, held that the respondent is ineligible for appointment as Armed Police Constable (men). Learned counsel for respondent inviting attention of this Court to the impugned order passed by the Tribunal submits that the Tribunal placing reliance on the decision of the Hon'ble Apex Court has rightly quashed the endorsement. Thus, he would pray for dismissal of the writ petition.

8. Having heard the learned counsel appearing for the parties and on perusal of the entire writ petition papers, the only point which falls for consideration is,

Whether the impugned order passed by the Tribunal in the facts and circumstances warrants interference?

9. Answer to the above point would be in the Affirmative for the following reasons:

The fact of respondent applying for the post of Armed Police Constable (men) in pursuance to recruitment notification dated 24.08.2017 and his selection under provisional select list published on 21.05.2018 as well as registration of FIR against the respondent on 07.09.2015 as well as pendency of C.C.No.96/2017 before the Civil Judge and JMFC as on the date of respondent's application for the post of Armed Police Constable (men) is not in dispute. So also, the fact of the respondent's acquittal under judgment dated 25.07.2018 in the above stated C.C.No.96/2017 is also not in dispute.

10. However, it is an admitted fact that the respondent has failed to mention pendency of the criminal case against him in the application dated 28.07.2017. Column No.14 where one has to mention about involvement in any criminal case/departamental enquiry, reads as follows:

*"Have you been involved
in any Criminal Case/
Departmental Enquiry?/ : No"
ಯಾವುದಾದರೂ ಅಪರಾಧ ಪ್ರಕರಣದಲ್ಲಿ/
ಇಲಾಖಾ ವಿಚಾರಣೆಯಲ್ಲಿ ದೊಡ್ಡಿಯಾಗಿದ್ದೀರಾ?*

The respondent has stated 'No' in the column, where information is sought with regard to involvement of a candidate in any criminal case/departamental enquiry. That would definitely amount to suppression. A person who intends to enter a disciplined police force shall not suppress the fact of involvement in a criminal case. In an identical fact situation, a Co-ordinate Bench of this Court in W.P.No.15568/2024 dated 30.06.2026 at paragraph 13, 14, 15 and 16 has held as follows:

"13. In the application submitted by the petitioner for the post of Sub-Inspector of Police (Civil), column Nos.23 and 24 depict as under:

Sl.No.	Questions	Answers
23	Have you been involved in any Criminal Case/Departmental Enquiry?/ ಯಾವುದಾದರೂ ಅಪರಾಧ ಪ್ರಕರಣದಲ್ಲಿ/ ಇಲಾಖಾ ವಿಚಾರಣೆಯಲ್ಲಿ ದೋಷಿಯಾಗಿದ್ದೀರಾ?	No
24	Have you been convicted in a Criminal Case? ನೀವು ಅಪರಾಧ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ಶಿಕ್ಷೆಗೆ ಒಳಪಟ್ಟಿರುವಿರಾ?	No

14. A scrutiny of the aforesaid columns would indicate that, as regards Column No.23 with respect to involvement of the petitioner in any criminal case/departamental enquiry, the answer of the petitioner is "No". The said application was submitted online on 14.08.2019, i.e., after the charge sheet had been laid against the petitioner on 14.10.2014 in Crime No.68/2013 by Sindagi Police

for the aforementioned offences. In the said charge sheet, the petitioner was arrayed as accused No.90. Thus, it is clear that as on the date of filing the application, the said criminal case was pending against the petitioner. In such circumstances, the petitioner, being a degree holder and a diligent candidate, cannot plead ignorance or inadvertence by stating that he misread the word "doshi/ದೋಷಿ" in the Kannada version of Column No.24. No doubt, subsequently he was acquitted in the said case. However, the fact remains that as on the date of submitting his online application, a criminal case was pending against him, and non-disclosure of the same would clearly amount to suppression of material facts.

15. *As regards the judgments relied upon by the learned counsel for the petitioner, it is submitted that in **Mahadeva's** case (W.A. No.3030/2013), the applicant was involved in his brother's case, wherein his brother had promised to marry the complainant, and later his name was dropped from the list of accused on the basis of the statement made by the complainant herself. Similarly, in **Vishwanath Mudaraddi's** case (W.P. No.45779/2018), the petitioner was an in-service candidate who had applied for the post of Police Sub-Inspector (Civil). In such circumstances, the Court considered the matter by placing reliance on*

*the judgment of the Apex Court in **AVTAR SINGH V. UNION OF INDIA**, reported in **2016 (8) SCC 471**. The facts and circumstances of the case in **THE STATE OF MADHYA PRADESH AND OTHERS VS BHUPENDRA YADAV (CIVIL APPEAL NO.27301/2018)** are different from those of the present case.*

16. *However, in the judgment in the case of Avtar Singh (supra), the Hon'ble Apex Court, after discussing various decisions, summarised the law by observing that the 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 the required information. Further, the employer shall take into consideration the Government Orders, instructions, and rules applicable to the employee at the time of taking the decision. It was further observed that while passing the order of termination of service or cancellation of candidature for furnishing false information, the employer may take notice of the special circumstances of the case, if any, while furnishing such information, and shall take into consideration the Government Orders, instructions, and rules applicable to the employee at the time of taking the decision."*

11. In the above decision, a Co-ordinate Bench after referring to the decisions of the Hon'ble Apex Court, has held that when it is within the knowledge of a candidate the pendency of criminal case and non-mentioning of the same in the application clearly amounts to suppression of material facts and rightly deleted the name of such candidate.

12. As stated above, the recruitment is to the post of Armed Police Constable (men) in the disciplined police force. The conduct and antecedent of a candidate who intends to join disciplined police force shall be clean and who has involved in criminal proceedings normally would not be entitled to selection to the post of Armed Police Constable (men). It is for the selecting authority depending on the nature of the offence alleged, though subsequently acquitted, to decide the eligibility/suitability of such candidates. Rule 10 of Rules, 1977 also provides for such determination of suitability/eligibility based on the report with regard to conduct and antecedents.

13. The Hon'ble Apex Court in **RAJKUMAR YADAV** (supra) was considering a case where the screening committee treated the candidate who approached the High Court not fit for employment to the post of Constable (Driver) in the Police Department. The Hon'ble Apex Court at paragraphs 2, 6.1, 7, 7.1, 7.2, 7.2.1, 7.3, 8 and 9 has held as follows:

"2. More often than not, the quality of law and order in the society and maintenance thereof depends upon the character of the persons serving in the police force. It becomes imperative that the recruits in the disciplined force should be the persons beyond reproach and men with rectitude.

6.1. In service law jurisprudence, mere involvement of a person in an offence or in a conduct amounting to moral turpitude without anything else may become relevant consideration to judge his fitness to the post and to assess credentials for allowing such a person into the employment.

7. The necessary conclusion from the parameters and principles summarised above, is that whether it is a question of recruiting a person into the service or continuing him in service or extending an employee some service benefit, his

criminal antecedents, involvement in criminal activity, the conduct amounting to moral turpitude, registration of a criminal case as well as nature of his acquittal in a criminal case are all germane considerations to be applied. The employer who would be acting through a screening committee to sift such cases, has fairly a large realm of freedom to act, though without becoming arbitrary.

7.1. *The area of discretion vested with the screening committee in this regard is wide enough to permit it to exclude a candidate or reject him for the purpose of giving appointment. In a given case where the facts are stark, mere involvement of a person in an alleged offence or in the act of moral turpitude may become sufficient enough to apply it as debilitating factor for such candidate to be offered employment. Antecedents of a candidate play an important role in the decision-making process by the screening committee. This dictum would operate with greater rigour when it comes to the recruitment and appointment to the disciplined force like police.*

7.2. *The position of law was highlighted again in the following observations by this Court in **State of Madhya Pradesh v. Parvez Khan (2015) 2 SCC 591,***

'...it is clear that a candidate to be recruited to the police service must be worthy of confidence and must be a person of utmost rectitude and must

have impeccable character and integrity. A person having criminal antecedents will not fit in this category. Even if he is acquitted or discharged, it cannot be presumed that he was completely exonerated. Persons who are likely to erode the credibility of the police ought not to enter the police force.' (Para 13)

7.2.1. *It was further stated,*

'No doubt the screening committee has not been constituted in the case considered by this Court, as rightly pointed out by the learned counsel for the respondent, in the present case, the Superintendent of Police has gone into the matter. The Superintendent of Police is the appointing authority. There is no allegation of mala fides against the person taking the said decision nor the decision is shown to be perverse or irrational.'
(Para 13)

7.3. *The domain of considering the fitness and suitability of a candidate for the purpose of taking him in service belongs to the employer. A host of relevant consideration would legitimately find a place in the process of such consideration by the employer to decide whether it is feasible and advisable to offer employment to an aspirant. Where the employer or the screening committee of the employer has acted to discard, exclude or reject the candidature by applying relevant considerations and has not acted arbitrarily or whimsically, the courts have no role to interpose. Of course, a demonstrably mala fide approach by the employer would give room to the courts to exercise the power of judicial review.*

8. *In **Mehar Singh (supra)** and in **Parvez Khan (supra)**, this court opined that*

the decision of the screening committee must be taken as final unless as it is shown to be mala fide. The screening committee also must be alive to the importance of the trust reposed in it and must examine the candidate with utmost care for the candidate's character.

9. *But for the above limited considerations namely arbitrariness, unreasonableness, whimsicalness or mala fide approach, the scope of judicial review on this score is extremely limited. The courts are not expected to override the wisdom of the employer in judging the suitability of a candidate and in considering the relevance of the antecedents of the candidate and would not substitute its own view."*

The above decision makes it clear that Court cannot substitutes its view in the matter of employer judging suitability of a candidate on consideration of antecedents of a candidate. Further, it is observed that antecedents of a candidate play an important role in the decision making process by the screening committee and that dictum would operate with greater rigor when it comes to the recruitment and appointment to the disciplined force like Police.

14. In the instant case, the Tribunal failed to take note of the fact that recruitment of Armed Police Constable (men) was to the disciplined police force and judging suitability/eligibility is the domain of the selecting authority/appointing authority.

15. For the reasons recorded above, the writ petition deserves to be allowed, hence the following:

ORDER

- a) Writ petition is allowed.
- b) Impugned order dated 11.05.2023 in Application No.41/2021 passed by the Tribunal is set aside. Consequently, Application No.41/2021 stands dismissed.

**Sd/-
(S.G.PANDIT)
JUDGE**

**Sd/-
(DR.K.MANMADHA RAO)
JUDGE**