

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 1597/2026

1.

Tarif S/o Atru, Aged About 27 Years, R/o Village Dondrd,
Post Kaithwara, Tehsil Pahadi, District Deeg (Raj.)
2.

Jarnel Khan S/o Mudina, Aged About 31 Years, R/o Village
And Post Bilang, District Deeg (Raj.)

-----Petitioners

Versus

1.

State Of Rajasthan, Through Its Principal Secretary, Rural
Development And Panchayati Raj Department,
Government Of Rajasthan, Secretariat, Jaipur (Raj.)
2.

Director, Elementary Education And Panchayati Raj,
(Elementary Education) Department, Rajasthan, Bikaner
(Raj.)
3.

Additional Director (Education) Elementary Education,
Rajasthan, Bikaner (Raj.).
4.

Zila Parishad, Dausa, Having Its Office At Collectorate,
Dausa-303303 Through Its Chief Executive Officer.
5.

Zila Parishad, Bundi, Having Its Office At Collectorate,
Bundi Through Its Chief Executive Officer.
6.

District Education Officer (Headquarter), Elementary
Education Dausa (Raj.).
7.

District Education Officer (Headquarter), Elementary
Education Bundi (Raj.).
8.

Rajasthan Staff Selection Board, State Agriculture
Management Institute Premises, Durgapura, Jaipur (Raj.)
Through Its Secretary.

-----Respondents

For Petitioner(s)	:	Mr. Tanveer Ahamad with Mr. Iliyas Khan
For Respondent(s)	:	Mr. Gopal Krishan Sharma, AGC for R- 2,3 Mr. Abhishek Paliwal for Mr. Dheeraj Tripathi, AGC Mr. Manish Bhardwaj for Mr. Nalin G. Narain

HON'BLE MR. JUSTICE ANAND SHARMA

04/05/2026

1. By way of filing this joint writ petition, the petitioners have challenged rejection of their candidature for the post of Teacher Grade III Level I initiated by Rajasthan Staff Selection Board vide advertisement dated 16.12.2025, solely on the ground that at the relevant time, criminal cases were pending against the petitioners.

2. It is stated that pursuant to advertisement dated 16.12.2025, as the petitioners were eligible, they submitted their application form in their respective categories and after participating in the selection process, they secured more marks than the cut off marks declared by the respondent-Board. Accordingly, the appointment letters were issued offering appointment to the petitioners and even preferred districts were also allotted to the respective petitioners.

3. Grievance raised by both the petitioners is that although, the pending criminal cases were disclosed by the petitioners in their application forms/verifications forms yet, only on account of pendency of such cases, despite selection, the petitioners were not allowed to join pursuant to appointment orders and vide letter dated 20.05.2025, candidatures of the petitioners were rejected on the ground of pending criminal cases.

4. Learned counsel for the petitioners submits that on account of personal enmity, petitioner No.1 was implicated in false and frivolous case under the provision of Sections 3, 35 of the Arms Act whereas, petitioner No.2 was facing criminal case under

Sections 420 and 347 of Indian Penal Code and 3/25 of the Arms Act.

5. Learned counsel for the petitioners submits that mere pendency of criminal case cannot be a ground to dis-entitle the candidates from their legitimate right to get appointment pursuant to their selection, and it is settled proposition of law that until and unless, a person is convicted by the Competent Criminal Court, there exists a presumption of his innocence.

6. Learned counsel further submits that both the petitioners have been acquitted by the Competent Criminal Court by way of judgments dated 06.06.2024 and 05.04.2025. Their acquittal in the criminal case would make it clear that there remains no stigma on the character of the petitioners and there is no hurdle in giving appointment to the petitioners.

7. Learned counsel further submits that the State Government has also decided not to challenge the judgment of acquittal passed by the Competent Criminal Court in the case of petitioner No.2 whereas, the appeal filed by the State Government against the judgment delivered in the case of petitioner No.1 has already been dismissed on 09.01.2025.

8. Thereafter, both the petitioners submitted representation on the basis of judgment of acquittal before the respondents with a request to reconsider the same; however, on the pretext of the circular dated 04.12.2019, the respondents refused to reconsider and appointment has not been given to the petitioners.

9. Learned counsel for the petitioners submits that thus, without there being any concrete evidence at a premature stage,

when there was no final judgment of the Competent Criminal Court, the respondents pre-judged the character of the petitioners and despite issuance of appointment order, joining was not given to them and later on, even after judgment of Competent Criminal Court, the respondents have not reconsidered their earlier decision, which has caused serious prejudice and miscarriage of justice to the petitioners.

10. Learned counsel for the petitioners relied upon the judgment of this Court in the case of **Jeetendra Kumar Choudhary Vs. State of Rajasthan & Ors. (S.B. CWP No. 7994/2023)** decided on 02.05.2025 and prayed for a direction to the respondents to permit the petitioners to join on the post of Teacher Grade-III Level I.

11. On the contrary, learned counsel for the respondents vehemently opposed the writ petition and submitted that while making a recruitment in public service, it is well within the rights of the employer to assess the character of the aspirant and in the instant case, both petitioners have been found to be involved in criminal cases of serious nature. The petitioners participated in the recruitment process on the post of Teacher Grade-III and since the post of teacher is supposed to require higher moral and ethical values therefore, candidate who was accused of committing serious criminal offences was not found fit by the respondents and their candidature was rightly rejected by the respondents.

12. Learned counsel for the respondents further submitted that bare perusal of the judgment delivered by Competent Criminal Court would reveal have that the petitioners were not honourably acquitted and rather been extended benefit of doubt

by the Competent Criminal Court. Under these circumstances, on applications submitted by the petitioners, the respondents reconsidered the matter of the petitioners in the light of the Circulars dated 04.12.2019 & 26.10.2021 issued by the department of personnel and found that as the allegations against the petitioners were serious, therefore, they were not fit to be appointed.

13. Heard learned counsel for the parties and perused the record.

14. It is not disputed that both the petitioners did not make any concealment and had already disclosed the pendency of criminal cases against them.

15. It is not disputed that both the petitioners have been acquitted from criminal charges by the Competent Criminal Court and no appeal against the judgment of acquittal is pending against any of the petitioners as on date.

16. This Court also perused the judgment given by the Competent Criminal Court and found that the prosecution had utterly failed to prove the charges or to produce proper evidence in support of story framed by the prosecution therefore, the objection raised by learned counsel for the respondents that the acquittal was not honourable, is having no substance and merit. Whether, it is a judgment holding a person honourable acquitted or acquittal on the basis of benefit of doubt in both the cases, until and unless, there is any statutory bar, the stigma attached to such criminal charges no longer remains in existence, and the persons stand absolved from all disabilities for the purpose of granting any civil benefits, and persons acquitted cannot be discriminated

merely on the ground that acquittal in a case was honourable in nature, whereas, in the other case, it was on the basis of benefit of doubt. Such line of demarcation is totally absent in jurisprudence, and the respondents cannot be allowed to deny the legitimate benefits to a citizen by raising such artificial ground.

17. This Court finds that in the cases, where despite conviction in some cases, benefit of probation is extended to an accused under Section 4 of the Probation of Offenders Act, 1958, and consequentially, as per Section 12 of the above Act of 1958, he is absolved from all the stigma and ineligibilities attached with criminal case for granting civil benefits. Therefore, on that analogy, a person who is at a better footing and has been acquitted after facing full fledged trial, cannot be deprived of his legitimate rights by branding his 'acquittal on account of benefit of doubt' as an acquittal of lesser nature than any other acquittal.

18. This Court also finds that leveling allegations or framing of criminal charge in itself does not cast a stigma and it is settled proposition of criminal jurisprudence that until and unless, the person is convicted by Competent Criminal Court, there remains a clear cut presumption with regard to their innocence.

19. Even otherwise, the facts would reveal that in the case of petitioner No.2, the State itself examined the judgment of acquittal and decided not to file appeal and in the case of petitioner No.1, the appeal filed by the State Government has already been dismissed. Therefore, under these circumstances, the State counsel cannot be allowed to raise any doubt over the judgments of acquittal passed in the cases of petitioners.

20. In view of above, this Court finds that both the petitioners are eligible and entitled to hold the post of Teacher Grade-III Level II in their respective subjects, for which, they were selected and orders dated 16.12.2025, 01.05.2025, 20.05.2025, 24.09.2025 & 04.09.2023 issued by the respondents for rejecting the candidature of the petitioners as well as refusing to reconsider their cases, are arbitrary and deserves to be quashed and set-aside.

21. Accordingly, the writ petition filed by the petitioners is allowed.

22. The respondents are directed to permit the petitioners to join on the post of Teacher Grade-III Level-I pursuant to appointment order earlier issued to appoint the petitioners by the respondents in relation to advertisement dated 16.12.2022 along with all the consequential notional benefits. Necessary orders in this regard shall be passed within a period of 60 days from the date of receipt of certified copy of this order.

23. Pending application(s), if any, shall also stand disposed of.

(ANAND SHARMA),J