

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Special Appeal Writ No. 138/2026
URN: SAW / 346U / 2026

In

S.B. Civil Writ Petition No.4561/2023

- 1. State Of Rajasthan, Through Principal Secretary, Department Of Home, Government Of Rajasthan, Government Secretariat Jaipur Rajasthan.
- 2. Additional Director General Of Police, (Recruitment And Promotion Board) Rajasthan Jaipur.
- 3. Inspector General of Police RAC, Rajasthan Jaipur.
- 4. Commandant 13th Battalion, RAC (Prison Security) Jaipur.

----Appellants

Versus

Surendra Singh Shekhawat s/o Shri Chain Singh Shekhawat, Aged About 44 years, r/o VPO Beri, Tehsil Sikar District Sikar Rajasthan.

----Respondent

For Appellant(s)	:	Mr. Samee Khan, AAAG with Mr. Vishnu Dutt Sharma
For Respondent(s)	:	Mr. Ripu Daman Singh Naruka

HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE MANEESH SHARMA

Order

03/07/2026

1. The issue raised in the present petition is no more *res-integra* and stands finally adjudicated by this Court in **D.B. Special Appeal Writ No.732/2022: Shaitan Lal Kurach Vs. State of Rajasthan and Ors.** and other connected matters decided on 29.08.2025 and in the judgment passed in the case of **State of Rajasthan and Ors. Vs. Love Kush Meena: [(2021)**

8 SCC 774] and **Commissioner of Police Vs. Raj Kumar: [(2021) 8 SCC 347]** the Division Bench of which one of us was a member (Sanjeev Prakash Sharma, Acting CJ) passed the following order in the case of **Babbal Singh Vs. State of Rajasthan and Ors.: D.B. Special Writ No.971/2022:**

"9. Reasonings and Analysis :-

9.1 We have heard learned counsel for parties and scrutinized the material available on record. The learned Single Judge has dismissed the writ petition while observing that acquittal on the basis of compromise cannot be considered as clean acquittal and in the case of appointment in discipline security forces, the character of candidate assumes significance. The learned Single Judge has further relied upon the judgments passed in the case of Raj Kumar (supra) and Love Kush Meena (supra).

9.2 A bare perusal of Rule 13 of the Rules of 1989, makes it clear that the said provision does not prescribe the disqualification mere on the factum of conviction but the same is based upon nature of offences involved in the criminal case. Mere conviction alone is not a disqualification for appointment under the Rules of 1989. The object of the said provision is to debar the candidate only if his conviction is based upon the offences involving moral turpitude or association with crimes of violence etc.

9.3 Even the Circular dated 28.03.2017 (Ann.R/6) issued by the respondent - Police Department itself reveals that the guidelines have been issued for consideration of the candidature for recruitment under the Rules of 1989 and the same provides that the candidates will be considered for appointment who have disclosed the criminal antecedents where; (i) after investigation, the candidate is not found accused, final report is accepted (ii) where the candidate has been acquitted by the Court "on the basis of benefit of doubt or lack of evidence" (iii) where the candidate has been acquitted on the basis of compromise (iv) where the benefit of probation has been granted (v) where the benefit of Section 15 (ii) (a) under the Juvenile Justice (Care and Protection of Children) Act was granted.

9.4 On conjoint reading of Rule 13 of the Rules of 1989 as well as the Circular dated 28.03.2017, it is clear that the acquittal on the basis of compromise as well as criminal case wherein FR has been given by the Investigation Agency are not considered as ground to deny the appointment under the Rules of 1989. So far as gravity of offence involved in case of the appellant-petitioner is concerned, it is clear that the same was not of heinous nature rather falls within the exception clearly carved out under Rule 13 (2) (b) of the Rules of 1989. The Hon'ble Apex Court in the case of Ravindra Kumar (supra) has clearly held that each case will depend upon its facts and circumstances which has to be considered on various relevant factors. In our opinion, when even a conviction for an

offence not involving moral turpitude or crimes of violence is not considered as disqualification, the acquittal on the basis of compromise can in no case is considered as justified ground to deny appointment to a meritorious candidate."

2. The learned counsel submits that the judgment was also taken up before this Court in the SLP No.13198/2026 wherein, the Supreme Court modified the order that instead of directly granting appointment, it should have been directed to consider grant of appointment in light of the judgment.

3. We notice that the learned Single Judge, in the impugned judgment, has taken note of the fact that so far as the criminal case registered against the respondent is concerned, it was decided by granting him benefit of probation and the case was registered 26 years back and for the same purpose, the denial of appointment under the Ex-Servicemen quota to the respondent could not have been given and has directed to consider his candidature for appointment and while allowing the petition as directed to consider his case for appointment on the post of Constable (Non TSP). We, therefore, affirm the order.

4. In light of the our aforesaid discussion, the special appeal is dismissed.

5. All pending applications also stands disposed of.

(MANEESH SHARMA),J

(SANJEEV PRAKASH SHARMA),ACTING CJ