

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

S.B. Civil Writ Petition No. 8998/2019

Virendra Kumar S/o Shri Mahaveer Prasad, Aged About 24 Years,
R/o Village Post Goth, Tehsil Buhana, District Jhunjunu, Ra-
jasthan, Pin 333516.

-----Petitioner

Versus

- 1 State Of Rajasthan, Through The Home Secretary, De-
partment Of Home, Secretariat, Jaipur (Raj.)
- 2 The Director General Of Police, Police Headquarter, Ra-
jasthan, Jaipur
- 3 Superintendent Of Police, District Chittorgarh, Chittor-
garh.

-----Respondents

For Petitioner(s) : Mr. Tanveer Ahamad with
Mr. Mohsin Khan

For Respondent(s) : Mr. Soumitra Chaturvedi, Dy. GC

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN
Order

25/02/2026

1. Instant Writ petition has been filed by petitioner with follow-
ing prayer:-

1. That impugned order dated 11.03.2019 (An-
nexure- 7) by which the candidature of the petitioner
has been cancelled may kindly be quashed, in the in-
terest of justice.

2. That the respondents may be directed that
the petitioner may be considered eligible for appoint-
ment to the post of Constable Recruitment as per his
merit and the order dated 11.03.2019
may be directed to not come in the way of petitioner
for appointment.

3. That the action of the respondents in de-
priving the petitioner from appointment to the post of
constable on grounds of criminal case may kindly be
held illegal and arbitrary and he may be given ap-
pointment on the post of constable as per his
merit with all consequential benefits.

4. Any other appropriate order, which may be found
just and proper in the facts and circumstances of the
case, be passed in favour of the petitioner.

2. Learned counsel for petitioner submits that the controversy raised herein is no more res integra as same has been decided by the Division Bench of this Hon'ble Court in case of **Babbal Singh Vs. State of Rajasthan & Ors. (D.B. Special Appeal Writ No. 971/2022)**, and further followed by another Division Bench of this Hon'ble Court in case of **Jaipal Chalka Vs. State of Rajasthan & Ors. (D.B. Special Appeal Writ No. 610/2022)**, order dated **09.10.2025**. He further submits that this matter be disposed of in accordance with ratio laid down by Hon'ble Division Bench in case of **Babbal Singh (supra)** and **Jaipal Chalka (supra)**.

3. Aforesaid contentions were opposed by the learned counsel appearing on behalf of the respondent(s) and he submitted that the case of the petitioner was considered by the respondent on the basis of the circular dated 28.03.2017 issued by the DGP, the candidature of the petitioner was rejected and now he is not entitled to be reconsidered.

4. Heard Learned Counsel for the parties and perused the material placed on record.

5. The petitioner has filed an application pursuant to an advertisement for recruitment on the post of Constable under the Rajasthan Police Subordinate Services Rules, 1989. The petitioner was duly qualified after the written examination and Physical Standard Test/Physical Efficiency Test in the OBC Male Category. The petitioner has also submitted that an FIR was registered at Police Station Ashok Nagar on 25.11.2014 wherein a charge sheet has been filed against the petitioner and others.

6. Admittedly, the petitioner was not appointed on the post of Constable as FIR No. 463/2014 under Sections 143, 323 and 327 IPC was registered at Police Station Ashok Nagar, Jaipur (South) on 25.11.2014 wherein a charge sheet has been filed against seven persons including the present petitioner under Sections 143, 323, 327 and 149 IPC.

7. The material on record as examined by the respondents indicate that the petitioner was acquitted on 22.06.2015 after extending benefit of doubt to him. The material on record also indicate that a compromise has been filed by the victims. The Department has relied on circular dated 15.07.2016 issued by DOP for character verification at the time of appointment. This circular has also laid down certain grounds whereby the appointment of a candidate can be denied in case of a criminal case against the candidate. The respondents have also placed reliance upon the circular dated 28.03.2017 issued by the DGP, Rajasthan.

8. The counsel for the petitioner has placed reliance upon the judgment in the case of **Babbal Singh versus State of Rajasthan (supra)** and further followed in the case of **Jaipal Chalka versus State of Rajasthan (supra)**. The petitioner has also placed reliance upon the judgment dated 15.01.2021 in S.B. Civil Writ Petition No. 6447/2019, **Bhawani Singh versus State of Rajasthan and others, which was approved by the Division Bench of this Court in the case of The State of Rajasthan versus Pawan Kumar, D.B. SAW 678/2020** decided on 06.01.2021.

9. Having considered the grievance of the petitioner and also the fact that the candidature of the petitioner was rejected as the

petitioner was not acquitted honorably. Now there is no criminal case against the petitioner and the maximum offence against the petitioner was under Sections 143 and 149 IPC, which falls within the exceptions as per the circular dated 15.07.2016 issued by the DOP and the circular dated 28.03.2017 issued by the DGP.

10. Having considered the judgments as submitted by the learned counsel for the petitioner, it is appropriate to decide the writ petition in light of these judgments.

11. Considering the grievance, the order dated 11.03.2019, (Annexure-7), is hereby quashed and set aside and respondent No. 3 is directed to re-examine and reconsider the case of the present petitioner in light of the judgments as referred to herein-above.

12. If the facts of the case are such where the aforementioned ratio is applicable, then the candidature of the present petitioner be considered with notional benefits as directed in the aforementioned judgments. In case of deviation, the respondents are under an obligation to decide and consider the case of the present petitioner with a reasoned and speaking order. After the decision, the respondents are under an obligation to communicate the order to the petitioner either by way of speed post or through E-mail, if petitioner has provided E-mail in his representation. If the petitioner is still aggrieved, he has a liberty to approach this Court with fresh petition.

13. With the aforesaid directions, the present writ petition with pending application, if any, stands disposed of.

(ASHOK KUMAR JAIN),J