

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 13213/2024

Sarita Meena D/o Shri Kalyan Mal Meena W/o Late Shri Heera Lal Meena, Aged About 35 Years, Resident of V.P. Santhali, Meena Ka Mohalla, Tehsil Deoli, District Tonk (Raj.)

-----Petitioner

Versus

1. State Of Rajasthan, Through The Chief Secretary, Government Secretariat, Jaipur
2. The Principal Secretary, Department Of Personnel, Government Secretariat, Rajasthan, Jaipur
3. The Principal Secretary, General Administration Department, Government Secretariat, Rajasthan, Jaipur
4. Rajasthan Public Service Commission, Through Its Secretary, Ghooghra Ghati, Ajmer
5. Pooja Kumari (Merit No. 2123), (Appointment Has Been Given In The Category Of ST Widow Category Vide Order Dated 25.05.2024) Through Secretary, Rajasthan Public Service Commission, Ghooghra Ghati, Ajmer

-----Respondents

For Petitioner(s)	:	Mr. Tanveer Ahamad with Mr. Mohd. Kasim Khan
For Respondent(s)	:	Mr. Archit Bohra, AGC with Mr. Rahul Verma

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

25/02/2026

1. The instant writ petition is filed by the petitioner with following prayer:-

- "1. The impugned decision of the Committee dated 16.03.2024 may be quashed and set aside, in the interest of justice.
2. The action/omission on the part of the respondents in not considering the petitioner as eligible candidate for allotment of service pursuant

to the Rajasthan State & Subordinate Service Combined Competitive Examination-2021 in pursuant to the advertisement dated 20.07.2021 may be declared arbitrary and illegal and accordingly the same may be ordered to be set right by directing the respondents to consider the candidature of the humble petitioner for allotment of service as an eligible candidate and accordingly in view of her merit position No.2116 in Scheduled Tribes Woman Widow Category she may be given appointment on the post of Naib-Tehsildar, in the interest of justice.

3. 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 the petitioner while placing reliance upon grounds of writ petition has submitted that the respondent – RPSC has issued an advertisement inviting application for Rajasthan State and Subordinate Services and the petitioner has filled an application, and subsequently been qualified not only in written examination but also called for interview. He also submitted that the petitioner was not given appointment rather one Pooja Kumari (Merit No.2123) was given appointment in the category of petitioner, and on an inquiry and document received under RTI, the petitioner came to know that due to two criminal cases registered at Police Station Behror, District Alwar, the candidature of petitioner was rejected.

3. Learned counsel also submitted that the identical issue was considered by a Co-ordinate bench of this court in case of **Krishan Gopal Sharma Vs. The General Manager, UCO Bank and Ors.** : **SB Civil Writ Petition No.2106/2021** dated 09.05.2025, wherein a candidate was denied appointment as the acquittal was not honorable. He further placed reliance upon order dated

18.11.2024 in case of **Shankar Lal Vs. State of Rajasthan and others : SB Civil writ Petition No.756/2022** and judgment dated 27.03.2025 in case of **Neeraj Kanwar Vs. State of Rajasthan and others : S.B. Civil Writ Petition No. 951/2024** and submitted that the issue was considered by a Co-ordinate Bench of this Court at Principal Seat, Jodhpur and after taking note of legal position, has directed the State to grant appointment subject to pending criminal case.

4. Learned counsel has further referred a Division Bench judgment of this Court in case of **Shaitan Lal Kurach Vs. State of Rajasthan and Ors. : D.B. Special Appeal Writ No.732/2022**, decided on 29.08.2025 and submitted that even a person on post of constable was given appointment despite having a criminal case. He further placed reliance upon a circular of DOP and submitted that the respondents are duty-bound to consider case of petitioner as the order of acquittal has been recorded in favour of the petitioner and now there is no criminal case pending against the petitioner.

5. Aforesaid contentions were opposed by learned counsel appearing on behalf of the respondents and he submitted that the petitioner involved in two criminal cases of identical nature and the judgment of acquittal clearly indicate that the acquittal was after extending benefit of doubt. He also submitted that when the acquittal is not honorable, then the petitioner is not entitled to claim any relief from this Hon'ble court.

6. Learned counsel for the respondents has further referred judgments of Hon'ble Supreme Court in case of **State of Rajasthan and others Vs. Love Kush Meena : (2021) 8 SCC**

774, Commissioner of Police Vs. Rajkumar : (2021) 8 SCC 347 and **Union of India and Others Vs. Methu Meda (Civil Appeal No.6238/2021)** and submitted that a person, who is seeking appointment on public post must be a person of utmost rectitude and have impeccable character and integrity. He also submitted that herein the petitioner is having not only a criminal antecedent but also the manner in which the act was committed is sufficient to discard the candidature of the present petitioner.

7. Heard learned counsel for the parties and peruse the material placed on record.

8. Brief facts of the case are that the petitioner has filed an application pursuant to advertisement dated 20.07.2021 inviting application for selection on various posts in Rajasthan State and Subordinate Services. The petitioner was successfully qualified in written examination and was also called for interview but the appointment order dated 25.05.2024 (Annexure-17) indicate that Pooja Kumari, (Roll No.907572) was appointed under the category of 'ST, WE, WD, ME, NG, RG'.

9. The material on record also indicate that two criminal cases were registered against the present petitioner. The learned counsel for the petitioner has placed reliance upon circular dated 04.12.2019 issued by the DOP (क - 2) wherein a specific reference of judgment in case of **Delhi Administration Vs. Sushil Kumar : (1996) 11 SCC 605** is made.

10. The material on record indicate that FIR No. 84/2015 was registered at PS Tidi, District Udaipur, wherein a criminal case No. 754/2015 was registered and the present petitioner has faced trial. The judgment dated 25.01.2023 passed by learned

Additional Chief Judicial Magistrate No. 1, Udaipur indicate that the present petitioner was acquitted from charge under Sections 384 and 170 of IPC after extending benefit of doubt. The evidence suggest that there was a complaint of impersonation of public servant with motive to extort money from complainant/victim.

11. Another criminal case was registered as FIR No.645/2015 at PS Behror, District Alwar and a criminal case No. 89/2017, (CIS 3477/2016) was registered and vide order dated 18.12.2023, present petitioner was acquitted from charge under Section 420 IPC by way of compromise and from offense under Sections 382, 170 and 120B of IPC by extending benefit of doubt. The material on record indicate that after impersonating as an Income Tax Officer, the accused have extorted ₹3,50,000/- from complainant. The material indicate that PW1 Virendra has named the petitioner as one of the accused who took money ₹3,50,000/- from them. The material on record indicate that the present petitioner was acquitted from certain charges by extending benefit of doubt.

12. Now comes the question whether in such circumstances, the candidature of the petitioner be considered for appointment or not.

13. In case of **Shaitan Lal Kurach Vs. State of Rajasthan and Ors.** (supra), a Division Bench of this court, after considering judgment in cases of **State of Rajasthan and others Vs. Love Kush Meena** (supra), **Commissioner of Police Vs. Rajkumar** (supra), **Avtar Singh Vs. Union of India : (2016) 8 SCC 471** and **Ravindra Kumar Vs. State of UP : (2024) 5 SCC 264**, has held that if an order of acquittal has already been recorded in a case, in particular, whether it is a case of clean acquittal or not,

the employer is required to consider all relevant facts available about the antecedents. 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.

14. The Division Bench of this Court has also considered judgment in case of **Babbal Singh Vs. State of Rajasthan & Ors. : D.B. Special Appeal Writ No.971/2022** and **State of Rajasthan Vs. Bhawani Singh : DB Special Appeal Writ No.698/2021** and directed the respondents-Department to grant appointment to the petitioners on the post of Constable (General), for which he / they were selected with all entitled notional benefits.

15. A coordinate bench in case of **Krishan Gopal Sharma Vs. The General Manager, UCO Bank and Ors.** (supra), **Shankar Lal Vs. State of Rajasthan and Ors.** (supra) and **Neeraj Kanwar Vs. State of Rajasthan and Ors.** (supra) has also considered several judgments as laid down by this Court or by Hon'ble Supreme Court and held that the petitioner is entitled for appointment on the post.

16. In case of **Union of India and Ors. Vs. Methu Meda** (supra), Hon'ble Supreme Court has considered judgment in cases of **Avtar Singh Vs. Union of India** (supra), **State of Rajasthan and others Vs. Love Kush Meena** (supra), **Commissioner of Police Vs. Rajkumar** (supra), and held that a person who wish to join police force must be a person of utmost rectitude and have impeccable character and integrity. The employer is having right to consider the nature of acquittal and decide until he is

completely exonerated because even a possibility of his taking to the life of crimes poses a threat to the discipline of the police force. After considering the several judgments as referred hereinabove, Hon'ble Supreme Court has held that:-

"22. As discussed hereinabove, the law is well-settled. If a person is acquitted giving him the benefit of doubt, from the charge of an offence involving moral turpitude or because the witnesses turned hostile, it would not automatically entitle him for the employment, that too in disciplined force. The employer is having a right to consider his candidature in terms of the circulars issued by the Screening Committee. The mere disclosure of the offences alleged and the result of the trial is not sufficient. In the said situation, the employer cannot be compelled to give appointment to the candidate. Both the Single Bench and the Division Bench of the High Court have not considered the said legal position, as discussed above in the orders impugned. Therefore, the impugned orders passed by the learned Single Judge of the High Court in Writ Petition No. 3897 of 2013 and Division Bench in Writ Appeal No. 1090 of 2013 are not sustainable in law, as discussed hereinabove."

17. The judgments as relied by learned counsel for the petitioner clearly indicate that every case has its own merits and a straight jacket formula cannot be fit in every case. A person cannot be denied a public employment only on the ground of pending petty criminal case or acquittal in a petty criminal case. We agree with the proposition that employment is a source of livelihood and denial of employment is violative of Article 21 of the Constitution of India, but at the same time, the suitability of the individual has to be examined considering the overall facts and circumstances of each case.

18. Herein, the documents of criminal case clearly indicate that the charge upon the petitioner is involvement in crime relating to

impersonation to pose as a public servant and after terrorizing the victim, just to extort money in name of public servant. Both the cases in hand are of similar nature. Nowadays, it has become little more advanced and the same is known as "digital arrest" wherein also the individual impersonate as a public servant, using internet/online means.

19. The acquittal in both the cases is by extending the benefit of doubt and in one case there is some evidence, though there is a compromise on record, but evidence is also part of record. The material clearly indicate that the acquittal is not honorable, but considering the nature of criminal cases, it is appropriate to consider the nature of acquittal, in the instant case.

20. In case of **Union of India and Ors. Vs. Methu Meda** (supra), Hon'ble Supreme Court has considered the meaning of expression 'acquittal' and observed as under:-

"11. While addressing the question, as argued the meaning of expression 'acquittal' is required to be looked into. The expressions 'honourable acquittal', 'acquitted of blame' and 'fully acquitted' are unknown to the Code of Criminal Procedure or the Indian Penal Code. It has been developed by judicial pronouncements. In the case of **State of Assam & Another vs. Raghava Rajgopalachari**, (1972) 7 SLR 44, the effect of the word 'honourably acquitted' has been considered in the context of the Assam Fundament Rules (FR) 54 (a) for entitlement of full pay and allowance if the employee is not dismissed. The Court has referred the judgment of **Robert Stuart Wauchope Vs. Emperor** reported in (1934) 61 ILR Cal. 168, in the context of expression 'honourably acquitted', Lord Williams, J. observed as thus:

"The expression "honourably acquitted" is one which is unknown to courts of justice. Apparently it is a form of order used in courts martial and other extra judicial tribunals. We said in our judgment that we accepted the explanation given by the Appellant believed it

to be true and considered that it ought to have been accepted by the Government authorities and by the magistrate. Further we decided that the Appellant had not misappropriated the monies referred to in the charge. It is thus clear that the effect of our judgment was that the Appellant was acquitted as fully and completely as it was possible for him to be acquitted. Presumably, this is equivalent to what Government authorities term "honourably acquitted".

21. Aforementioned clarification has to be considered in light of the circular dated 04.12.2019 issued by the DOP (क-2 Department), wherein also after supersession of circular dated 15.07.2016, issued certain guidelines. The guidelines clearly indicate that every case is required to be considered on its own merits and here in this case, we are considering the nature and allegations in criminal cases, registered against petitioner.

22. After considering the nature and the allegation made against the petitioner, while registering FIR and filing a charge sheet, clearly indicate that the petitioner was forwarded to face a trial as if she has committed a crime by impersonating as a public servant and involvement with a group of other persons. The object behind the commission of crime was to extort money from innocent victims. Thus allegations were relating to cheating by impersonation and extortion. Two identical nature of cases were registered, wherein the petitioner has faced the trial. The acquittal was recorded merely on the ground of benefit of doubt. Nowhere it has been mentioned that the petitioner was falsely implicated either by the victim or by the police.

23. In view of discussion made herein above, after examining the case of present petitioner, I am of the considered view that the

judgments as referred by learned counsel for the petitioner are not applicable on the facts and circumstances as it does not help in any manner to secure an appointment in Rajasthan State and Subordinate Services for which a joint examination was held by the RPSC. Thus, the case of the present petitioner is different than the cases referred by the learned counsel for the petitioner. Hence, the petitioner has failed to make out a case for interference under Article 226 of the Constitution of India.

24. In view of the discussion made hereinabove, the instant civil writ petition filed under Article 226 of the Constitution of India is hereby dismissed.

25. Misc. Application, if any, also stands dismissed.

(ASHOK KUMAR JAIN),J