

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 14892/2023

Rekha Panwar D/o Rohitashwa Panwar, Aged About 29 Years, R/o Ward No. 11, New Colony, Laxmi Nagar, Tehsil Kotputli, District Jaipur, Rajasthan.

-----Petitioner

Versus

1. The State Of Rajasthan, Through Its Home Secretary, Secretariat, Rajasthan, Jaipur.
2. The Director General Of Police (Recruitment), Police Headquarter, Rajasthan, Jaipur.
3. The Commissioner Of Police, Police Commissionerate, Jodhpur.
4. The Commissioner Of Police, Police Commissionerate, Jaipur.
5. The Deputy Commissioner Of Police, Headquarter And Traffic, Police Commissionerate, Jodhpur.

-----Respondents

For Petitioner(s) : Mr. Hanuman Choudhary, Adv.

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

HON'BLE MR. JUSTICE ANAND SHARMA
Judgment

12/02/2026

1. Application for early listing is allowed.
2. With the consent of the parties, the matter was heard finally.
3. It is submitted by learned counsel for the petitioner that after undergoing the recruitment process, as per Rules, petitioner was offered appointment on the post of Constable (GD) vide order dated 14.11.2022. However, only on account of the fact that in police verification, it was reflected that one criminal case for committing offences under Sections 332, 353 IPC was pending, joining was not given to the petitioner.
4. Learned counsel further submits that even the said criminal case came to be decided by Competent Criminal Court

vide judgment dated 09.02.2023 and the petitioner has been acquitted from all the charges levelled against her.

5. Learned counsel submits that after acquittal from the criminal court, although, the petitioner submitted representation before the Superintendent of Police, yet till this date joining has not been given to the petitioner, whereas the persons, who were offered appointment along with the petitioner are continuing in service.

6. Learned counsel for the respondents opposed the writ petition and submitted that appointment was provisional in nature and was subject to police verification. It is submitted that the petitioner has deliberately concealed the relevant fact that one criminal case was pending and in the relevant column of the verification form, she gave answer in negative to the specific question as to whether any FIR was ever lodged against the petitioner or not. Learned counsel submit that mere acquittal of the petitioner subsequent to the appointment would not wash out the misconduct of the petitioner regarding concealing the relevant fact. Learned counsel submits that respondent-Department is a discipline force and the person, who is seeking appointment is expected to come with clean hands and fairness. In the instant case, since, the petitioner has concealed the relevant fact with regard to pendency of criminal case, therefore, the respondents were justified in denying the joining to the petitioner despite issuance of appointment order.

7. In rejoinder, learned counsel for the petitioner submits that the alleged concealment was not deliberate on her part as the entire family was falsely implicated in the criminal case and since,

the petitioner was never arrested, therefore, she was not aware of the fact that any criminal case was pending against her or not.

8. Learned counsel for the petitioner relies upon judgment of Hon'ble Supreme Court in the case of **Avtar Singh Vs. Union of India & Ors. (2018) 1 SCC 268** and submits that the Hon'ble Supreme Court has clearly held that in the cases where the person has been acquitted from criminal charges by the Competent Criminal Court the respondents can consider the circumstances under which the fact with regard to pendency of criminal case was bonafidely omitted to be mentioned in the application form/verification form.

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

10. Although, it is a matter of fact that the petitioner did not disclose pendency of criminal case in her application form/verification form, yet it is equally undisputable that the petitioner has been acquitted from the charges vide judgment dated 09.02.2023. Under these circumstances, this writ petition is disposed of with directions to the respondents to re-consider the case of the petitioner in the light of judgment of **Avtar Singh (Supra)** and to pass speaking and reasoned order within a period of 60 days from the date of receipt of representation along with certified copy of this order.

11. Pending application(s), if any, stand(s) disposed of.

(ANAND SHARMA),J