

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 8362 of 2026

Pawan Kumar Son of Late Ram Pratap Ram, Ex-Technician Grade III, Under Senior Divisional Mechanical Engineer, Carriage and Wagon, East Central Railway, Sonapur, District- Saran (Bihar).

... .. Petitioner/s

Versus

1. The Union of India through the General Manager, East Central Railway, Hajipur, P.O. Digghi Kalan, P.S. Hajipur, District Vaishali at Hajipur-844101, Bihar.
2. The General Manager, Personnel, East Central Railway, Hajipur, P.O. Dighi Kalan, P.S. Hajipur Town, District- Vaishali, Bihar.
3. The Divisional Railway Manager, East Central Railway, Sonapur, District Saran, Bihar.
4. The Senior Divisional Mechanical Engineer, Carriage and Wagon, East Central Railway, Sonapur, District Saran, Bihar.
5. The Senior Divisional Personnel Officer, East Central Railway, Sonapur, District Saran, Bihar.
6. The Senior Divisional Financial Manager, East Central Railway, Sonapur, District Saran, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Munna Pd Dixit, Advocate Mr. Milind Raj Dixit, Advocate
For the Respondent/s	:	Mr. Additional Solicitor General
For the Union of India	:	Mr. Deepak Kumar, Sr. C.G.C. Mr. Arvind Kumar, C.G.C.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

and

HONOURABLE MR. JUSTICE SOURENDRA PANDEY

CAV JUDGMENT

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

Date : 09-09-2026

The present writ petition has been filed against the order dated 26.02.2026 passed by the learned Central Administrative



Tribunal, Patna Bench, Patna (hereinafter referred to as the 'Ld. C.A.T.') in O.A. No. 050/00058/2017, whereby and whereunder the original application filed by the petitioner herein has been dismissed holding that the order of dismissal of the petitioner dated 26.08.2016 does not suffer from any irregularity.

2. The brief facts of the case, according to the petitioner are that the father of the petitioner namely Late Ram Pratap Ram died in harness on 05.12.2013 while working as Master Craftsman, Carriage and Wagon, East Central Railway, Barauni, whereupon the petitioner had applied for compassionate appointment leading to the office of the Divisional Railway Officer (P), Sonapur issuing letter dated 03.03.2015, whereby and whereunder it was decided to send the petitioner for primary training for three years upon being appointed on compassionate ground on the post of Technician Grade-III (C & W) in the pay-band of Rs. 5200-20200 with grade-pay of Rs. 1900/-. In the meantime, the Senior Superintendent of Police, Begusarai had sent a communication vide letter dt. 12.6.2015 to the respondents that the petitioner was named accused in three cases i.e. Barauni P.S. Case No. 109/2013 dt. 27.05.2013, Begusarai SC P.S. Case No. 124/2012 dt. 8.10.2012 and Begusarai SC/ST P.S. Case No. 135/2012 dt. 5.11.2012. On the basis of the said communication



dated 12.6.2015, a letter dated 23.09.2015 was issued to the petitioner by the office of the Divisional Railway Manager (P), Sonapur informing him that the documents submitted by him were sent for enquiry to the District Magistrate, Begusarai and it has been found that he is named accused in three criminal cases, as aforesaid, however nothing has been stated regarding the same in the declaration letter submitted by him, hence for taking further action it is necessary for him to clarify as to why he has not mentioned about the aforesaid three cases in his declaration letter and further he should also clarify about the present position of the aforesaid three cases with proof. The petitioner had then submitted his reply dated 23.11.2015 explaining therein that there was no willful or deliberate intention on his part to suppress any fact and the said cases have arisen on account of village dispute as also the same have been lodged against him, containing false allegations.

3. It is the case of the petitioner that in the meantime the petitioner was acquitted in all the three criminal cases by the Ld. Special Judge, SC/ ST, Begusarai in Trial No. 570/2013, Trial No. 714/2013 and Trial No. 89/2014, whereafter the petitioner had submitted a detailed representation & supplied the orders of acquittal dt. 8.6.2016 to the respondents vide letter dt. 13.6.2016.



Nonetheless, the Sr. Divisional Personnel Officer, office of the Divisional Railway Manager (P), Sonapur vide letter dt. 26.08.2016 had terminated the services of the petitioner by observing as follows:-

“उपर्युक्त विषय के संबंध में सूचित किया जाता है कि संदर्भित पत्र द्वारा नियुक्ति हेतु रिपोर्ट करने के लिए नियुक्ति प्रस्ताव (Offer letter) एवं प्रस्ताव के साथ संलग्न दस्तावेज (साक्ष्यांकन- पत्र इत्यादि) भेजा गया था, जिसमें उल्लेख किया गया था कि आपकी नियुक्ति पुलिस द्वारा चारित्रिक जाँच रिपोर्ट के आधार पर निर्भर करेगा। जाँच में किसी प्रकार का संदिग्ध/गलत/फर्जी पाये जाने पर आपको बिना कारण बताओं नोटिस के तत्काल प्रभाव से समाप्त कर दी जायेगी तथा साक्ष्यांकन पत्र में यह उल्लेखित है कि किसी भी व्यक्ति की नौकरी के दौरान कभी भी यदि यह मालूम हो जाय कि साक्ष्यांकन-पत्र में झूठी सूचना दी गई है या यह कि कोई वास्तविक तथ्य छिपाया गया है तो उसकी सेवा समाप्त कर दी जा सकती हैं।

आपके द्वारा जमा किया गया साक्ष्यांकन- पत्र को जाँच हेतु जिला मजिस्ट्रेट, बेगूसराय को भेजा गया। जाँच रपट से स्पष्ट हुआ है कि आपके विरुद्ध तीन काण्ड में ((1) बरौनी अनु. जाति थाना काण्ड सं०-109/13 दिनांक 27.05.2013 (2) बेगूसराय अनु० जाति थाना काण्ड सं०-124/12 दिनांक 08.10.2012 एवं (3) बेगूसराय अनु० जाति/जन जाति थाना काण्ड सं० 135/12 दिनांक 05.11.2012) नामजद अभियुक्त है। जबकि आपके द्वारा इस आशय की सूचना साक्ष्यांकन पत्र में नहीं दिया गया है, जिससे स्पष्ट हो रहा है कि तथ्य छिपाकर प्रशासन को धोखाधड़ी किए हैं। साक्ष्यांकन पत्र में आपके द्वारा गलत सूचना



देने के कारण आपका प्रशिक्षण / सेवा समाप्त (terminated) की जाती है।”

4. The petitioner had challenged the said order dated 26.08.2016, by filing the connected Original Application before the Ld. C.A.T., however the same has been dismissed by the impugned order dated 26.02.2026.

5. The respondents had filed their written statement before the Ld. C.A.T. in the connected Original Application, *inter alia* stating therein that the father of the petitioner had died in harness on 05.12.2013, whereafter the wife of the deceased employee of the respondents had applied for grant of compassionate appointment to her elder son i.e. the petitioner herein leading to the competent authority having approved his appointment on compassionate ground after holding suitability test for Grade-'C' and he was allotted the post of Tech-III/C & W, whereafter the offer letter dt. 22.01.2015 was sent to him on the conditions mentioned therein, relevant portion whereof is being reproduced herein below:-

“आपकी नियुक्ति पुलिस द्वारा चारित्रिक जाँच रिपोर्ट के आधार पर निर्भर करेगा। जाँच में किसी प्रकार का संदिग्ध/गलत / फर्जी पाये जाने पर आपको बिना कारन बताओ नोटिस के तत्काल प्रभाव से समाप्त कर दी जायेंगी।



इस प्रस्ताव पत्र के साथ संलग्न एक आचरण पत्र, तीन पुलिस जाँच प्रपत्र, एक बैंक संबंधी विवरण एवं Indemnity deed भेजा जा रहा है जिसे पूर्णरूपेण भरकर एवं दिए गए निर्देशों को पूर्ण कर पत्र प्राप्ति के 15 दिनों के अंदर किसी कार्य दिवस को मंडल रेल प्रबंधक (कार्मिक) / सोनपुर के कार्यालय में जमा करें। इस पत्र प्राप्ति के एक माह के अंदर ऑफर स्वीकार नहीं किये जाने पर नियुक्ति हेतु पात्रता समाप्त समझा जायेगा और फिर आगे एक साल के लिए अनुकंपा आधार पर नियुक्ति पर विचार नहीं किया जायेगा।”

6. Thus, it is clear that the appointment of the petitioner was dependent on character verification report of the police & in the event of supply of suspicious/wrong/fake or false information by the petitioner, it was stipulated in the said letter dated 22.01.2015 that the services of the petitioner shall be terminated without any show cause notice. In fact other documents such as attestation form, character certificate, bank details and indemnity bond were also sent to the petitioner alongwith the aforesaid letter dated 22.01.2015 and after submission of all the aforesaid documents the petitioner was sent for training for three years, however in the meantime the In-Charge Officer of General Section of Collectorate, Begusarai had sent his enquiry report regarding the character of the petitioner to the Divisional Personnel Officer, E.C.R., Sonapur and in his report it was mentioned that the Superintendent of Police, Begusarai has communicated through



his letter dated 12.06.2015 that the petitioner is accused in three criminal cases. It is pointed out that it has clearly mentioned on the top of the attestation form that furnishing of any wrong information or concealing any fact will be a disqualification of candidature and the candidate may be declared unfit/disqualified.

7. We have perused the attestation form filled by the petitioner and find that it has been mentioned at the top of the same that if any wrong information is furnished or if any actual fact is concealed, the same would be a disqualification and the candidate indulging in the same would be declared unfit for government service. It has also been stated therein that if it comes to the knowledge of the railway authorities during the course of service of any employee that false information has been filled in the attestation form and/or actual fact has been concealed, the services of such an employee shall be terminated. We have also gone through column-12 (i) of the attestation form filed by the petitioner, which is reproduced herein below:-

“(क) क्या आप कभी गिरफ्तार हुए हैं ?	✓ -नहीं	हाँ /नहीं
(ख) क्या कभी आपका चालान हुआ है?	✓ -नहीं	हाँ /नहीं
(ग) क्या आप कभी बन्दी के रूप में रखे गये हैं?	✓ -नहीं	हाँ /नहीं
(घ) क्या आप कभी परिबन्धित किये गये हैं?	✓ -नहीं	हाँ /नहीं
(ङ.) क्या कभी किसी न्यायालय द्वारा आप पर जुर्माना किया गया है?	✓ -नहीं	हाँ /नहीं
(च) क्या कभी किसी न्यायालय द्वारा अभिशस्त किये गये हैं?	✓ -नहीं	हाँ /नहीं



- (छ) क्या आप किसी विश्वविद्यालय अथवा किसी अन्य शिक्षा प्राधिकारी / संस्था द्वारा किसी परीक्षों से वर्जित अथवा निष्कासित किये गये हैं? -नहीं हाँ/नहीं
- (ज) क्या कभी-कभी रेल अथवा लोक सेवा आयोग द्वारा इसकी किसी परीक्षा/ चुनाव में भाग लेने से निवर्जित अयोग्य घोषित किये गये हैं? -नहीं हाँ /नहीं
- (झ) क्या इस साक्ष्यांकन-पत्र को भरते समय आप के विरुद्ध किसी न्यायालय में कोई मामला विचाराधीन है ? -नहीं हाँ /नहीं
- (ञ) क्या इस साक्ष्यांकन पत्र को भरते समय आप के विरुद्ध किसी विश्वविद्यालय अथवा किसी प्राधिकारी के यहां संस्था में कोई मामला विचाराधीन है ? -नहीं हाँ /नहीं"

Thus, it is apparent that the petitioner had furnished false information to the effect that no case in any Court was pending against him at the time of filling the attestation form.

8. It has been further stated in the written statement filed by the respondents before the Ld. C.A.T. that a bare perusal of the attestation form would show that the petitioner had neither been arrested nor he had been challaned nor he had been debarred nor any cost had been imposed by any Court nor any case was pending against him in any Court. Thus, apparently the petitioner had suppressed the factum of him being a named accused in three criminal cases, hence as per the conditions mentioned in the attestation form, the competent authority has rightly terminated the appointment of the petitioner vide letter dt. 26.8.2016 for furnishing wrong information and suppressing the factum of him being an accused in three criminal cases.

9. *Per contra*, the Ld. Counsel for the petitioner has



submitted that the petitioner has been acquitted by the competent criminal Court in all the three aforesaid criminal cases, vide judgment dated 08.06.2016, hence the order of termination dated 26.08.2016 is bad in law. In this connection, the Ld. Counsel for the petitioner has relied on various judgments rendered by the Hon'ble Apex Court in the case of *Avtar Singh vs. Union of India*, reported in *(2016) 8 SCC 471*, the one rendered in the case of *Pawan Kumar vs. Union of India*, reported in *2022 SCC Online SC 532*, as also the one rendered in the case of *Ravindra Kumar vs. State of U.P.*, reported in *(2024) 5 SCC 264* and the one rendered in the case of *Commissioner of Police vs. Sandeep Kumar*, reported in *(2011) 4 SCC 644*.

10. The Ld. Counsel for the petitioner has argued strenuously by relying on the judgment rendered by the Hon'ble Apex Court in the case of *Ravindra Kumar* (supra), paragraphs no. 24, 25, 29 and 34 whereof are reproduced herein below:-

“24. Avtar Singh [(2016) 8 SCC 471] also noticed the judgment in Commr. of Police v. Sandeep Kumar [(2011) 4 SCC 644]. In Sandeep Kumar [(2011) 4 SCC 644], this Court set out the story of the character “Jean Valjean” in Victor Hugo's novel Les Miserables, where the character was branded as a thief for stealing a loaf of bread for his hungry family. It also discussed the classic judgment of Lord Denning in Morris v. Crown Office [(1970) 2 QB 114 : (1970) 2 WLR 792 (CA)] and concluded as follows: (Sandeep Kumar case [(2011) 4 SCC 644])



“10. ... In our opinion, we should display the same wisdom as displayed by Lord Denning.

11. As already observed above, youth often commits indiscretions, which are often condoned.

12. It is true that in the application form the respondent did not mention that he was involved in a criminal case under Sections 325/34IPC. Probably he did not mention this out of fear that if he did so he would automatically be disqualified. At any event, it was not such a serious offence like murder, dacoity or rape, & hence a more lenient view should be taken in the matter.”

25. Thereafter, in Avtar Singh [(2016) 8 SCC 471] dealing with Sandeep Kumar [(2011) 4 SCC 644], this Court observed as under: [(2016) 8 SCC 471])

“24. ... This Court has observed that suppression related to a case when the age of Sandeep Kumar was about 20 years. He was young and at such age people often commit indiscretions and such indiscretions may often be condoned. The modern approach should be to reform a person instead of branding him a criminal all his life. In Morris v. Crown Office [(1970) 2 QB 114 : (1970) 2 WLR 792 (CA)], the observations made were that young people are no ordinary criminals. There is no violence, dishonesty or vice in them. They were trying to preserve the Welsh language. Though they have done wrong but we must show mercy on them and they were permitted to go back to their studies, to their parents and continue the good course.”

29. We have also kept in mind the recent judgment of this Court in Satish Chandra Yadav v. Union of India [(2023) 7 SCC 536] and the broad principles set out by this Court in para 93, especially, paras 93.1, 93.3 and 93.7. Even the broad principles set out therein recognise that each case should be scrutinised thoroughly by the public employer concerned and the Court is obliged to examine whether the procedure of enquiry adopted by the authority concerned was fair and reasonable. Avtar Singh [(2016) 8



SCC 471] in para 38.2 has held that while passing the order of cancellation of candidature for giving false information, the employer may take notice of special circumstances of the case, if any, while giving such information. Further, in para 38.4.3 of Avtar Singh the principle that, in case of suppression or false information of involvement of criminal case, where acquittal has already been recorded, the employer can still consider all relevant facts available as to antecedents and may take appropriate decision as to the continuance of the employee.

34. On the facts of the case and in the backdrop of the special circumstances set out hereinabove, where does the non-disclosure of the unfortunate criminal case, (which too ended in acquittal), stand in the scheme of things? In our opinion on the peculiar facts of the case, we do not think it can be deemed fatal for the appellant. Broad-brushing every non-disclosure as a disqualification, will be unjust and the same will tantamount to being completely oblivious to the ground realities obtaining in this great, vast and diverse country. 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. It can never be a one size fits all scenario.”

11. At this juncture we may note that a bare perusal of paragraph no. 34 of the judgment rendered by the Hon’ble Apex Court in the case of **Ravindra Kumar** (supra) would show that the said judgment has been rendered in the peculiar facts and special circumstances of the said case, hence would not be a binding precedent.

12. Thus, it is submitted by the Ld. Counsel for the petitioner that the employer can condone a lapse where the suppressed



information is not material or would not adversely affect the fitness and mere suppression of material information or furnishing false information does not mean that the employer can arbitrarily discharge or terminate the employee by a stroke of pen. It has also been argued that non-disclosure of criminal case in which a candidate has been acquitted is not invariably fatal and the decision to be taken by the employer must be based on a holistic view of the nature of the offence, timing and nature of criminal case, judgment of acquittal, nature of the query in the verification form, character verification reports, socio economic background and other antecedents. Thus, it is submitted that the order of termination dt. 26.08.2016 as also the impugned order dated 26.02.2026 passed by the Ld. C.A.T. are fit to be set aside.

13. We have heard the Ld. Counsel for the parties and perused the materials on record, from which we find that the facts of the case lie in a narrow compass inasmuch as the father of the petitioner died in harness on 05.12.2013, whereafter the mother of the petitioner had applied for grant of compassionate appointment to the elder son of the deceased employee i.e. the petitioner herein leading to issuance of offer of appointment dated 03.03.2015 by the office of the Divisional Railway Manager(P), Sonapur, however in the meantime the



Superintendent of Police, Begusarai vide letter dated 12.06.2015 had informed the respondents that the petitioner is a named accused in three criminal cases leading to issuance of show cause to the petitioner vide letter dated 23.09.2015 to which the petitioner had submitted his show cause reply, nonetheless vide order dated 26.08.2016 issued by the office of the Divisional Railway Manager(P), Sonapur, the services of the petitioner was terminated for concealing the factum of him being FIR named accused in three criminal cases and furnishing false information.

14. We find from the attestation form filled by the petitioner that he has furnished false information therein to the effect that no case is pending against him in any Court at the time of filling the attestation form. Thus, we find that the petitioner had suppressed the factum of being an FIR named accused in three criminal cases, hence there is no iota of doubt that he has furnished false information and concealed the actual facts as also has wrongly mentioned that no case is pending against him before any Court. Therefore, in view of the stipulation in the attestation form to the effect that in case false information has been filled in the attestation form and/or actual fact has been concealed, the services of such an employee is liable to be terminated, the services of the petitioner has rightly been



terminated by the impugned order dated 26.08.2016, issued by the office of the Divisional Railway Manager (P), Sonapur.

15. As regards the contention of the Ld. Counsel for the petitioner to the effect that the petitioner has been acquitted in all the three cases by a judgment dated 08.06.2016, rendered by the Ld. Court of Special Judge-SC/ST, Begusarai, we find from a bare perusal of all the three judgments that it has been held therein that the prosecution has not been able to prove the charges levelled against the accused persons beyond all reasonable doubt and the petitioner has been acquitted not only by giving him benefit of doubt but also in light of the compromise arrived at in between the parties, thus the acquittal of the petitioner is definitely not a clean acquittal, hence no benefit can be derived by the petitioner in the facts and circumstances of the present case, as narrated herein above in the preceding paragraphs. We find that the judgments referred to herein above by the Ld. Counsel for the petitioner are not applicable in the present case inasmuch as the facts and circumstances of the present case are completely distinguishable from the facts and circumstances of the aforesaid cases.

16. We further find that on the date of his appointment, i.e. 03.03.2015, the petitioner had not stood acquitted of the



aforesaid three criminal cases, hence the only legal issue which arises for consideration in the present case is as to whether the petitioner could have been appointed during the pendency of a criminal case involving commission of a heinous/ serious offence. In this regard, we would first refer to a judgment rendered by the Hon'ble Apex Court in the case of **Satish Chandra Yadav vs. Union of India & Ors.**, reported in (2023) 7 SCC 536, para No. 93 whereof is reproduced herein below:-

“93. In such circumstances, we undertook some exercise to shortlist the broad principles of law which should be made applicable to the litigations of the present nature. The principles are as follows:

93.1. Each case should be scrutinised thoroughly by the public employer concerned, through its designated officials — more so, in the case of recruitment for the Police Force, who are under a duty to maintain order, and tackle lawlessness, since their ability to inspire public confidence is a bulwark to society's security. (See Raj Kumar [State v. Raj Kumar, (2021) 8 SCC 347.

93.2. Even in a case where the employee has made declaration truthfully and correctly of a concluded criminal case, the employer still has the right to consider the antecedents, and cannot be compelled to appoint the candidate. The acquittal in a criminal case would not automatically entitle a candidate for appointment to the post. It would be still open to the employer to consider the antecedents and examine whether the candidate concerned is suitable and fit for appointment to the post.

93.3. The suppression of material information and making a false statement in the verification form relating to arrest, prosecution, conviction, etc. has a clear bearing on the character, conduct and antecedents of the employee. If it is found that the employee had suppressed or given false information in regard to the matters



having a bearing on his fitness or suitability to the post, he can be terminated from service.

93.4. The generalisations about the youth, career prospects and age of the candidates leading to condonation of the offenders' conduct, should not enter the judicial verdict and should be avoided.

93.5. The Court should inquire whether the authority concerned whose action is being challenged acted mala fide.

93.6. Is there any element of bias in the decision of the authority?

93.7. Whether the procedure of inquiry adopted by the authority concerned was fair and reasonable?"

Underlining mine

17. We also find that as on the day of appointment of the petitioner, neither it could have been foreseen that the petitioner would stand acquitted in the ongoing trial of the aforesaid criminal case nor the respondents would have waited endlessly for completion of the pending trial especially in view of the urgency and exigency of filling up of a post pertaining to an emergency service like medical service. A bare perusal of the judgment rendered by the Hon'ble Apex Court in the case of ***Satish Chandra Yadav (supra)*** would show that the Hon'ble Apex Court has held therein that even in a case where the employee has made declaration truthfully and correctly of a concluded criminal case, the employer still has the right to consider the antecedents and cannot be compelled to appoint such candidate. It has been further held that acquittal in a



criminal case would not automatically entitle a candidate for appointment to a post and it would be still open to the employer to consider the antecedents and examine whether the candidate concerned is suitable and fit for appointment to the post. In fact, the Hon'ble Apex Court has also held that making false statement in the verification form has a clear bearing on the character, conduct and antecedent of the employee.

18. Therefore, taking into account an overall perspective of the entire case, emerging out of the totality of the facts and circumstances, as indicated hereinabove, we find that the petitioner has not only suppressed the factum of him being FIR named accused in three criminal cases but has also falsely furnished information to the effect that no case was pending against him in any Court apart from the fact that on the date of appointment i.e. 03.03.2015, he had not stood acquitted from the aforesaid three criminal cases, hence the same has a clear bearing on the character, conduct and antecedent of the petitioner, which in any view of the matter cannot be ignored inasmuch as public employment is based on trust and in such a case as the present one the employer has every reason to not rely and rather lose trust on such an employee who has concealed pendency of not one but three criminal cases and has also



furnished false information in the attestation form. The Hon’ble Apex Court in the case of *Satish Chandra Yadav* (supra) has categorically held that acquittal in a criminal case would not automatically entitle a candidate for appointment to a post and it would be still open to the employer to consider the antecedents and examine whether the candidate concerned is suitable and fit for appointment to the post. Consequently, no illegality can be found in the order dated 26.08.2016, by which the services of the petitioner has stood terminated.

19. Having regard to the facts and circumstances of the case and for the foregoing reasons, we do not find any infirmity in the impugned order dated 26.02.2026 passed by the Ld. C.A.T. in O.A. No. 050/00058/2017, hence the present writ petition stands dismissed.

(Mohit Kumar Shah, J)

S.Sb/-

(Sourendra Pandey, J)

AFR/NAFR	AFR
CAV DATE	20.07.2026
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