IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2026
(Arising out of SLP (Civil) No. 22930 of 2026)

KISLAY THAKUR **APPELLANT(S)**

VERSUS

UNION OF INDIA & ORS. **RESPONDENT(S)**

O R D E R

1. Leave granted.

2. The appellant before this Court has filed the present appeal being aggrieved by the impugned judgment and order dated 10.03.2026 passed by the High Court of Delhi at New Delhi in W.P. (C) No. 18276 of 2025.

3. The facts of the case reveal that the appellant, pursuant to an advertisement, applied for the post of Constable (GD) in the Central Armed Police Forces and was duly selected. However, on account of a criminal case which had resulted in his acquittal, he was not issued an appointment

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Reason:

order. The writ petition preferred by the appellant before the High Court of Delhi claiming appointment was also dismissed.

4. Learned counsel appearing for the appellant has stated before this Court that the criminal dispute was between the appellant and his family members, and later on, the same resulted in his acquittal.

5. Though the learned Additional Solicitor General appearing for the respondent(s) has vehemently argued that the acquittal was on technical grounds and cannot be treated as a clean acquittal, this Court, in a similar case involving almost identical facts and circumstances, has decided SLP (C) Nos. 3419–3421 of 2026 (*Union of India & Anr. vs. Srikanta Gorain & Ors.*). Paragraphs 4 to 8 of the said judgment are reproduced as under:

> ***"4. For the purpose of guidance of the appointing authorities, we propose to emphasize that while dealing with cases of the present nature, the appointing authority ought not to get unduly swayed merely because of user of the expression***

"benefit of doubt" by the trial court in its judgment. An acquittal could be based on technicality or upon a full consideration of the prosecution case. The judgment of acquittal in its entirety has to be read to ascertain whether the acquittal that has been recorded is other than honourable. If witnesses do not turn up for tendering evidence or turn hostile or the investigation is found to be flawed or there be any such similar vitiating factor and if these give rise to a lingering suspicion in the mind of the trial court that the witnesses have been won over or that the evidence has deliberately been withheld but, at the same time, the evidence/materials on record are absolutely inadequate or insufficient to record a finding of guilt, the trial courts are generally prone to record acquittal of the accused by giving them the benefit of doubt. Such an acquittal being based on technical grounds or on "benefit of doubt" would obviously fall short of an honourable acquittal. But, if the trial court upon consideration of the entirety of the evidence on record finds that the charge has not been proved beyond reasonable doubt, yet, acquits the accused by recording that he is given the benefit of doubt, a claim of honourable acquittal could certainly be raised notwithstanding such recording. After all, the onus is on the prosecution to prove the guilt of the

accused beyond all reasonable doubt. Much would, therefore, depend on witness behaviour and how the trial court appreciates and analyses the evidence. More often than not, it is found that the trial courts after recording that the prosecution has miserably failed to prove its case follows it up by giving the accused the "benefit of doubt". If such be the finding, i.e., the accused is exonerated with no suspicion left, it would be thoroughly improper, unfair and unjust to deny an appointment on the specious ground of the acquittal being based on what the trial court terms as "benefit of doubt".

5. Doubtless, the appointing authorities are the sole judges of eligibility and suitability of any individual aspiring for an appointment in a disciplined force. It is equally true that the appointing authorities do have an onerous duty of selecting individuals who have clean antecedents. However, the power to scrutinize claims for appointments and to proceed in that direction requires exercise of due care, caution and circumspection. The power cannot be exercised arbitrarily to the detriment and prejudice of prospective appointees by rejecting their claims, despite their fulfilment of other criteria, for no better reason than that such appointee had figured as an accused in a crime. The decision not to appoint must be based on sound reasons evincing application of mind to all relevant

factors or else the same would be liable to judicial interdiction.

6. Although in a slightly different context, in State of Madhya Pradesh v. Ramashanker Raghuvanshi, this Court posed the question : whether Government service is a heaven where only angels can seek entry? This decision was noticed in subsequent decisions too, viz. K. Vijaya Lakshmi v. State of A.P. and Avtar Singh v. Union of India. We can take judicial notice that over the past several years, across the country, quite a few of the incidents giving rise to registration of crimes are either politically motivated or designed to deprive someone of his legitimate dues. Unless there are strong reasons to hold the view that a prospective appointee has indulged in serious criminal or other subversive activity thereby disentitling him to an appointment, he may not be denied such appointment on hyper-technical grounds in these challenging times of lack of adequate opportunity of public employment.

7. What has also not escaped our notice is that the respondents 1, 2 and 3 did not attempt to secure public employment by deception. They were honest and truthful in their versions, a fact admitted even by Mr. Sanjay. As such, the restrictions envisaged in the relevant circulars applicable to the CISF could not have been invoked in any of the three cases under consideration to deny the benefits of appointment to

the respondents 1, 2 and 3.

8. Since the impugned judgment and order of the Delhi High Court is based on proper appreciation of the relevant circulars as well as on a correct and proper understanding of the reasons assigned by the respective trial courts while acquitting the respondents 1, 2 and 3, we see no reason to interfere therewith; hence, the special leave petitions are dismissed."

6. In light of the aforesaid judgment delivered by a Coordinate Bench of this Court, the impugned judgment and order dated 10.03.2026 passed by the High Court of Delhi in W.P. (C) No. 18276 of 2025 is set aside.

7. The respondent(s) is directed to issue an appointment order in favour of the appellant within a period of 30 days from today. To be more specific, the appellant shall be entitled to seniority as per the select/merit list from the date other candidates were granted appointment pursuant to the same selection process, along with other consequential benefits, however, he shall not be entitled to any back wages/financial benefits

for the past period.

8. With the aforesaid observations, the appeal stands allowed.

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

……J.
[SATISH CHANDRA SHARMA]

……J.
[SUNITA AGARWAL]

NEW DELHI;
23rd November, 2026

ITEM NO.49 COURT NO.14 SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 22930/2026

[Arising out of impugned final judgment and order dated 10-03-2026 in WP(C) No. 18276/2025 passed by the High Court of Delhi at New Delhi]

KISLAY THAKUR Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

IA No. 190525/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 190526/2026 - EXEMPTION FROM FILING O.T.

Date : 23-11-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA
HON'BLE MRS. JUSTICE SUNITA AGARWAL

For Petitioner(s) :Mr. Shahrukh Ahmad- 4022, AOR
Mr. Mandeep Baisala, Adv.
Mr. Sahil Chaudhary, Adv.
Mr. Bharat Panchal, Adv.
Mr. Kavesh Bidhuri, Adv.

For Respondent(s) :Mr. Kanamedla Ravindra Kumar, A.S.G.
Mr. Devraj Bhattcharjee, Adv.
Mr. Rajeev Kumar Ranjan, Adv.
Mr. Somraj Choudhary, Adv.
Mr. Gyanendra Singh, Adv.
Mr. Amrish Kumar- 2986, AOR
Dr. Arun Kumar Yadav, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.

2. The appeal is allowed in terms of the signed order placed on the file.

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

(RAHUL KUMAR)
COURT MASTER (SH)

(KOMAL)
COURT MASTER (NSH)