RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Civil Writ Petition No. 19137/2026
CNR: RJHC010800212026 | URN: CW / 32729U / 2026

Rajasthan High Court
सत्यमेव जयते
Web Copy - Not Official

Pushpendra Singh Chundawat S/o Shri Devi Singh Chundawat, Aged About 27 Years, R/o Village Karkoli, Post Vadapal, Deval Tehsil And District Dungarpur Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Department Of Home Government Of Rajasthan, Jaipur Rajasthan.
2. The Director General Of Police, Rajastahn Police Headquarter, Jaipur Rajasthan.
3. The Deputy Inspector General Of Police, (Recruitment And Promotion Board), Jaipur Rajasthan.
4. The Superintendent Of Police, Udaipur District Udaipur Rajasthan.
5. The Commandant, Mewar Bheel Core, Kherwara, Udaipur District Udaipur Rajasthan.

----Respondents

For Petitioner(s) : Mr. Mohan Singh Shekhawat
For Respondent(s) : Mr. Ritu Raj Singh Bhati, GC

HON'BLE MR. JUSTICE KULDEEP MATHUR
Order

03/11/2026

By way of filing the present civil writ petition, the petitioner has prayed for the following reliefs-

> *"It is, therefore, humbly and respectfully prayed that this writ petition of the petitioner may kindly be allowed:*
> *A. By an appropriate writ, order or direction, the Rejection Order dated 01.06.2026 (Annex-11), Order dated 04.01.2026 (Annex-9) and any order denying the appointment to the petitioner on the post of Constable Driver in pursuance of the advertisement dated 09.04.2025 (Annex-3) may kindly be quashed and set aside.*
> *B. By an appropriate writ, order or direction, the respondents may kindly be directed to not to the to deny the appointment petitioner on the post of Constable Driver in pursuance of the advertisement dated 09.04.2025 on the ground of earlier an FIR was registered against him.*
> *C. By an appropriate writ, order or direction, the respondents may kindly be directed to provide the appointment to the petitioner on the post of Constable Driver, as no any criminal*

(Uploaded on 03/11/2026 at 06:08:03 PM)
(Downloaded on 04/11/2026 at 10:53:01 PM)

case was registered or pending petitioner, with all against the consequential benefits. ...”

2. Briefly stated, the facts of the case are that the petitioner is a resident of the Tribal Sub-Plan (TSP) Area. The respondent-Department issued an advertisement dated 09.04.2025, inviting applications for recruitment to various posts, including Constable General, Constable Operator, Constable Driver and Constable Band. Being eligible and qualified for the post of Constable Driver, the petitioner applied for the said post under the TSP General category. He participated in the selection process and successfully cleared both the written examination and the physical efficiency test. Thereafter, the respondent-Department issued the final select list dated 20.12.2025, wherein the name of the petitioner appeared at Serial No. 2.

3. At the time of submitting the online application form as well as during document verification, the petitioner, against the column requiring disclosure of criminal cases, mentioned “No”. However, after completion of the document verification, the respondent-Department did not issue an appointment order in his favour and, vide order dated 01.06.2026 (Annexure-11), rejected his candidature for the post of Constable Driver on the ground that FIR No. 72/2020 had been registered against him for the offences punishable under Sections 143, 451, 323, 336 and 354 of the IPC at Police Station Aaspur, District Dungarpur, but he had failed to disclose the said fact in the online application form, declaration form and document verification roll.

4. Learned counsel for the petitioner submits that the non-disclosure of the criminal case arising out of FIR No. 72/2020 was neither intentional nor deliberate. It is submitted that, owing to a

(Uploaded on 03/11/2026 at 06:08:03 PM)
(Downloaded on 04/11/2026 at 10:53:01 PM)

RAJASTHAN HIGH COURT

family dispute, the complainant had lodged the aforesaid FIR against the petitioner and his family members. However, the petitioner was neither summoned nor arrested in connection with the said FIR, nor was he ever subjected to investigation or interrogation by the police. As a matter of fact, upon completion of the investigation, the police filed challan No. 56/2020 before the competent criminal court on 28.05.2020, wherein the petitioner was not arrayed as an accused. Learned counsel, therefore, submits that, since the petitioner was never investigated in connection with the aforesaid FIR, there was no occasion for him to have acquired knowledge that the complainant had named him in the FIR.

Rajasthan High Court Web Copy - Not Official

5. Learned counsel further submits that, as the petitioner had no knowledge of his name having been mentioned in FIR No. 72/2020, he did not disclose the said fact in the online application form or the document verification form. It is contended that the petitioner cannot be said to have deliberately suppressed or concealed any material information from the respondent-Department. Consequently, the non-disclosure of the aforesaid criminal case cannot be made a ground for rejecting his candidature.

6. *Per contra*, learned counsel for the respondents submits that it is well settled that an employer is entitled to withhold appointment or reject the candidature of a candidate if it is found that he has failed to disclose true and correct particulars regarding the registration of a criminal case against him. In the present case, since the petitioner failed to disclose the factum of registration of FIR No. 72/2020 for the offences punishable under

(Uploaded on 03/11/2026 at 06:08:03 PM)
(Downloaded on 04/11/2026 at 10:53:01 PM)

Sections 143, 451, 323, 336 and 354 of the IPC, either in the online application form or at the time of document verification, the respondent-Department has rightly rejected his candidature for the post of Constable Driver.

Rajasthan High Court Web Copy - Not Official

7. Heard learned counsel for the parties and perused the material available on record.

8. The order dated 01.06.2026, issued by the Commandant, Mewar, Bhil Corps, Kherwara, District Udaipur, rejecting the petitioner's candidature for the post of Constable Driver, is reproduced hereinbelow for ready reference:-

> "*1.* आपके विरूद्ध दर्ज एफआईआर नं. *72/2020* दिनांक *07.05.2020* अन्तर्गत धारा *143, 451, 323, 336, 354* पुलिस थाना आसपुर जिला डूंगरपुर में आपके विरूद्ध आरोप प्रमाणित नहीं पाये है तथा शेष आरोपी के विरूद्ध माननीय न्यायालय में चालान *56/2020* दिनांक *28.05.2020* अन्तर्गत धारा *341, 323, 336, 34* में पेश किया गया है।
>
> *2.* आपने ऑनलाईन आवेदन पत्र, घोषणा पत्र एवं वेरिफिकेशन रोल में आपराधिक प्रकरण का उल्लेख नहीं करके उक्त तथ्य को जान-बूझकर छुपाया जाना पाया गया है।
>
> *3.* राज्य सरकार के परिपत्र क्रमांक प-*1 (1)* कार्मिक/क-*2/2016* दिनांक *04.12.2019* के बिन्दु संख्या-*1* एवं राज्य सरकार की अधिसूचना प-*2 (1)* कार्मिक/क-*2/2003* दिनांक *02.03.2020* के बिन्दु संख्या-*2 (क)* तथा कॉन्स्टेबल भर्ती-*2025* हेतु जारी विज्ञप्ति दिनांक *09.04.2025* के बिन्दु संख्या-*7 (VI)* के अनुसार आप नियुक्ति हेतु पात्र नहीं है।"
>
> *(emphasis supplied)*

9. A perusal of the aforesaid order indicates that, although FIR No. 72/2020 dated 07.05.2020 was registered against the petitioner and other persons for the offences punishable under Sections 143, 451, 323, 336 and 354 of the IPC at Police Station

(Uploaded on 03/11/2026 at 06:08:03 PM)
(Downloaded on 04/11/2026 at 10:53:01 PM)

RAJASTHAN HIGH COURT

Aaspur, District Dungarpur, the allegations levelled against the petitioner were not found to be substantiated during investigation. Consequently, the police filed challan No. 56/2020 against the co-accused persons alone, without arraying the petitioner as an accused.

Rajasthan High Court Web Copy - Not Official

10. In view of the aforesaid factual position, the contention advanced by learned counsel for the petitioner that he was neither summoned, investigated nor arrested in connection with FIR No. 72/2020 and, therefore, had no knowledge of his name having been mentioned therein, cannot be brushed aside. A candidate, while submitting an application form and furnishing the requisite particulars during document verification, can reasonably be expected to disclose the facts within his knowledge. Where an FIR is lodged naming a person, but the investigating agency, upon investigation, does not find his involvement in the alleged offence and consequently does not array him as an accused in the charge-sheet, it cannot be presumed, in the absence of any material to the contrary, that such person necessarily had knowledge of the registration of the FIR against him.

It is also significant that no material has been placed on record to establish that the petitioner was aware of the registration of the aforesaid FIR or that he deliberately suppressed or concealed the said information from the respondents. In these circumstances, the mere fact that the petitioner’s name was mentioned in the FIR, without anything further to establish his knowledge thereof, cannot by itself be treated as deliberate suppression of material information so as to disentitle him from appointment.

(Uploaded on 03/11/2026 at 06:08:03 PM)
(Downloaded on 04/11/2026 at 10:53:01 PM)

Rajasthan High Court Web Copy - Not Official

The non-disclosure of a criminal case, of which the candidate had no knowledge and in which he was not even charge-sheeted, cannot be treated at par with deliberate concealment of a criminal antecedent. Denial of appointment to an otherwise meritorious candidate on such a hyper-technical ground, in the absence of any material establishing intentional suppression, would be arbitrary and unjust and would offend the principles of fairness and equality enshrined under Articles 14 and 16 of the Constitution of India.

11. In view of the aforesaid discussion, the present writ petition deserves to be and is hereby allowed. The order dated 01.06.2026 (Annexure-11), issued by the Commandant, Mewar, Bhil Corps, Kherwara, District Udaipur, rejecting the petitioner's candidature for the post of Constable Driver, is hereby quashed and set aside.

The competent authority of the respondent-Department is directed to issue an appointment order in favour of the petitioner against the post of Constable Driver within a period of sixty days from today, provided he is otherwise eligible.

The petitioner shall be entitled to seniority and notional pay fixation from the date on which candidates lower in merit to him were appointed to the post of Constable Driver. However, he shall not be entitled to any arrears of salary for the period during which he has not actually discharged the duties of the said post.

12. The stay petition and all pending applications, if any, stand disposed of.

(KULDEEP MATHUR),J

Crt_9 (1810)
D-A/62
Divya Raj Jasmatiya

(Uploaded on 03/11/2026 at 06:08:03 PM)
(Downloaded on 04/11/2026 at 10:53:01 PM)