

Sidda Rama Ganesh vs State Of Andhra Pradesh on 25 September, 2026

Author: [K. Sreenivasa Reddy](#)

Bench: [K. Sreenivasa Reddy](#)

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WRIT PETITION (AT) NO.564 OF 2021

Between:

Sidda Rama Ganesh

... Petitioner(s)

Versus

The State of AP & Others

... Respondents

DATE OF ORDER PRONOUNCED : 25.09.2026

SUBMITTED FOR APPROVAL:

HONOURABLE SRI JUSTICE K. SREENIVASA REDDY

1. Whether Reporters of Local Newspapers
may be allowed to see the Judgment/Order? Yes/No
2. Whether the copy of Order may be
marked to Law Reporters/Journals? Yes/No
3. Whether His Lordship wish to see the
fair copy of the Judgment/Order? Yes/No

JUSTICE K.SREENIVASA REDDY

SRK, J
W.P. (AT) No.564 of 2021

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* HONOURABLE SRI JUSTICE K.SREENIVASA REDDY

+ WRIT PETITION (AT) NO.564 OF 2021

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... Respondents

! Counsel for the Petitioner(s) : Sri Devavarapu Rambabu

^ Counsel for the Respondents : Government Pleader for Services-I

< Gist:

> Head Note:

? Cases referred:

1. Avtar Singh v. Union of India and others reported in (2016) 8 SCC 471;
2. Commissioner of Police and others v. Sandeep Kumar reported in (2011) 4 Supreme Court Cases 644;
3. Common Order dated 27.09.2016 passed in O.A.No.3770 of 2014 with VMA No.552 of 2016 and Batch by the Andhra Pradesh Administrative Tribunal at Hyderabad in P.Vinay v. The State Level Police Recruitment Board;
4. Common Order dated 26.04.2023 passed in Writ Petition No.33306 of 2012 and Batch by the High Court of Andhra Pradesh, Nelapadu at Amaravati, in The State of Andhra Pradesh v. Vadde Pavan Kumar;

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5. Ravindra Kumar v. State of U.P. reported in 2024 SCC OnLine SC 180.
6. Order dated 27.11.2024 in Writ Petition No.17798 of 2013 by the High Court of Andhra Pradesh, Nelapadu at Amaravati in The Government of Andhra Pradesh and others v. T.Siva Kumar;
7. Judgment dated 06.05.2026 passed in Writ Appeal No.1364 of 2025 by the High Court of Andhra Pradesh, Nelapadu at Amaravati in Dodla Penchalaiah v. The Director General of Police, Andhra Pradesh, Amaravati;
8. Director General of Police, Tamilnadu, Mylapore v. J.Raghunees reported in (2023) 16 Supreme Court Cases 647;
9. State of Madhya Pradesh and others v. Rajkumar Yadav reported in 2026 SCC OnLine SC 362;
10. State of Uttar Pradesh, through its Principal Secretary and others v. Ajay Kumar Malik reported in 2026 SCC OnLine SC 639;

This Court made the following:

SRK, J

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Date on which Order/Judgment was reserved	:	23.07.2026
Date on which Order/Judgment was pronounced	:	25.09.2026
Date on which Order/Judgment was uploaded on the website of the High Court	:	25.09.2026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3327]
(Special Original Jurisdiction)

FRIDAY, THE 25th DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY
WRIT PETITION TRANSFERED FROM APAT NO: 564/2021

Between:

1. SIDDA RAMA GANESH, S/O VENKATESWAR RAO, AGED ABOUT 22 YEARS, PALTHERU VILLAGE, PAYAKARAOPETA MANDAL, VISAKHAPATNAM DISTRICT.

...PETITIONER

AND

1. STATE OF ANDHRA PRADESH, , REPRESENTED BY ITS PRINCIPAL SECRETARY, HOME DEPARTMENT, SECRETARIAT, HYDERABAD.
2. THE DIRECTOR GENERAL AND INSPECTOR GENERAL OF POLICE, , ANDHRA PRADESH, HYDERABAD.
3. THE STATE LEVEL POLICE RECRUITMENT BOARD, , ANDHRA PRADESH, HYDERABAD, REPRESENTED BY ITS CHAIRMAN, HYDERABAD-500 001.
4. THE SUPERINTENDENT OF POLICE, , VISAKHAPATNAM DISTRICT, VISAKHAPATNAM, ANDHRA PRADESH.

...RESPONDENT(S):

to set aside the Memorandum issued by the 3rd Respondent in R.C.No.519/R and T/GENL.2/2012, dated 10.1.2014 to the extent of the Applicant (shown in Serial No.16) as was informed in R.C.No.313/R and T/ESTD/2015, dated 14.12.2015 through Speed Post for the application dated 13.12.2015 under Right to Information

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Act, 2005 on 16.12.2015 as unjust, arbitrary and illegal and direct the Respondents to appoint the Applicant as per his Provisional Selection for the post of SCT PC (CIVIL)

IA NO: 1 OF 2021

Petition under [Section 151](#) CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to condone the delay of 2 years 11 months 6 days in filing the OA

IA NO: 1 OF 2023

Petition under [Section 151](#) CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant leave for Filing counter affidavit in the above Writ Petition (AT).No.564/2021 and pass

Counsel for the Petitioner:

1. RAM BABU DEVAVARAPU

Counsel for the Respondent(S):

1. GP FOR SERVICES I

The Court made the following:

SRK, J

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THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

WRIT PETITION (AT) NO.564 OF 2021

ORDER

Since the Andhra Pradesh Administrative Tribunal was abolished in the year 2020, O.A.No.182 of 2017 which was filed by the petitioner herein, was transferred to this Court, and the same was renumbered as Writ Petition (AT) No.564 of 2021.

2. The prayer sought in the present Writ Petition (AT) is as follows:

rd "...to set-aside the Memorandum issued by 3 respondent in R.C.No.519/R&T/GENL.2/2012, dated 10.01.2014 to the extent of petitioner (shown in Serial No,16) as was informed in R.C.No.313/R&T/ESTD/2015, dated 14.12.2015 through Speed Post for the application dated 13.11.2015 under [Right to Information Act, 2005](#) on 16.12.2015, as unjust, arbitrary and illegal and direct the respondents to appoint the petitioner as per his Provisional Section for the post of SCT PC (Civil) and to pass such other order or orders ..."

3. Case of the petitioner, in brief, is that, the petitioner passed Intermediate and he was an unemployee; that the respondents issued Notification calling for applications for recruitment to the posts of SCT PC (Civil/AR/SAR CPL/APSP), Constables (Men) in SPF Department and Firemen in Andhra Pradesh Fire and Emergency Services Department; that the petitioner applied pursuant SRK, J W.P.(AT) No.564 of 2021 7 to the said Notification, and the respondent No.3 conducted Preliminary Selection Test on 27.01.2012, Physical Measurement Test on 22.03.2012, and Written Examination on 17.06.2012, and the petitioner cleared all these tests, and was declared as provisionally selected.

(b) While the petitioner was waiting for appointment letter from 3rd respondent, he received a show-cause notice, dated 02.01.2013 as to why his provisional selection shall not be cancelled on the ground of suppressing the fact of his involvement in a criminal case in the Attestation Form, for which, the petitioner submitted his explanation on 16.01.2013, stating that there was a civil dispute between his father and one Dasari Venkateswara Rao, and in connection with the same, pursuant to the report lodged by him latter, a case in Crime No.133 of 2011 of Payakaraopet Police Station was registered, wherein the petitioner was erroneously shown as accused No.4; that the said case ended in acquittal vide Judgment dated 14.08.2015 in Calendar Case No.623 of 2011 on the file of the Additional Judicial Magistrate of First Class, Yelamanchilli, and as such, the petitioner had not mentioned the same, which is neither wilful nor wanton, but due to inadvertence.

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(c) The de facto complainant in the said case, made a representation to 4th respondent stating that the petitioner was involved in criminal case, and not to give him job, which itself shows that he was inimically disposed towards the petitioner and his family; that the respondents, without considering the explanation submitted by the petitioner, had not appointed him to the post, of which he was provisionally selected.

(e) As on the date of issuance of the Notification dated 31.01.2011, the petitioner was not involved in any case, and the aforesaid case ended in acquittal; that as the respondents, after receipt of explanation dated 31.01.2011 from the petitioner, neither informed the petitioner nor issued appointment order, the petitioner made an application dated 13.11.2015 to 3rd respondent, seeking information; that the respondent No.3 vide Letter in R.C.No.313/R&T/ ESTD/2015, dated 14.12.2015, enclosing a copy of the Memorandum in R.C.No.519/R&T/GENL/2012, dated 10.01.2014, informed the petitioner that his provisional selection was cancelled, as he suppressed the fact of his involvement in a criminal record in the Attestation Form.

(f) In O.A.No.3770 of 2014, the Tribunal, while referring the Judgment of the Full Bench of the Hon"ble Supreme Court in Civil SRK, J W.P.(AT) No.564 of 2021 9 Appeal No.20525 of 2011, dated 22.07.2016, dealt with similar case and disposed of, the said OA vide Order dated 27.09.2016, with a direction to the respondents therein to send the applicants therein, for training and appoint them to the post to which they were selected on completion of the training within a period of two months from the date of receipt of copy of the said order. The Hon"ble Supreme Court in a similar case reported in (2011) 4 SCC 644, held that the approach should be to condone minor

indiscretions rather than branding them as criminals for rest of their lives, and more lenient view should be taken in the matter, as it was not such a serious offence like murder, dacoity or rape. Hence, the Writ Petition.

4. Respondent No.3 filed counter-affidavit, conceding the fact of issuing Notification for filling up of various posts viz. SCT PC (Civil/AR) (Men and Women), SCT PC (APSP/SAR CPL) (Men), Constable (Men) in SPF Department and Firemen in Andhra Pradesh Fire and Emergency Services Department based on the Andhra Pradesh (Stipendiary Cadet Trainee) Rules, 1999. It is stated that the petitioner applied pursuant to the said Notification and appeared with Regd.No.131381, and was provisionally selected to the post of SCT PC (AR) (Men) in Visakhapatnam Rural District, but during antecedents verification, it came to light that he was one of the SRK, J W.P.(AT) No.564 of 2021 10 accused in Calendar Case No.623 of 2011 on the file of the Additional Judicial Magistrate of First Class, Yelamanchili, arising out of a case in Crime No.133 of 2011 of Payakaraopeta Police Station, Visakhapatnam District, for the offences punishable under Sections 324 and 323 read with 34 of the [Indian Penal Code](#), 1860 (for brevity „[IPC](#)“), and he was given benefit of doubt.

(b) The petitioner was aware of the fact of registration of crime, his arrest on 05.07.2011, and taking cognizance of the case vide Calendar Case No.623 of 2011, which clearly indicates that he wantonly suppressed the said fact. As per the Andhra Pradesh Police (Stipendiary Cadet Trainee) Rules, 1999 issued in G.O.Ms.No.315, Home (Pol.C) Department dated 13.10.1999 read with G.O.Ms.No.97, Home (Legal.II) Department, dated 01.05.2006, suppression of material fact (either in the application form or in the attestation form) is a disqualification for appointment to the post of Stipendiary Cade Trainee Police Constable (AR) (Men), hence, his provisional selection to the said post, was cancelled vide Office Memo Rc.No.519/R&T/Gen.2/2012, dated 10.01.2014.

(c) The Notification was issued on 31.10.2011, petitioner submitted his application on 03.12.2011, appeared for written examination on 17.06.2012, and was provisionally selected on SRK, J W.P.(AT) No.564 of 2021 11 26.08.2012, and filled the attestation form on 17.09.2012, and prior to the Notification itself, the crime has been registered against the petitioner, i.e. on 30.06.2011. As per the Report submitted by the Commissioner of Police, Visakhapatnam City, the petitioner was arrested on 05.07.2011 and the charge sheet was taken on file by the trial Court on 15.07.2011 vide Calendar Case No.623 of 2011, which clearly indicates that the petitioner was aware that a criminal case was pending against him, but he participated in the recruitment process, submitted his attestation form without furnishing the case details, and it is nothing but suppression of fact. The issue of suppression relates to the character of the person; that whether a person is involved in a minor case or major case is not relevant, but stating truth is essential; that when the State has a choice to appoint person of good character, the State shall not choose a person whose character is dubious and objectionable; that Rule 12 of the Andhra Pradesh State and Subordinate Service Rules, 1996 vests wide amplitude powers to deny employment based on antecedent in addition to the Andhra Pradesh Police (Stipendiary Cadet Trainee) Rules. Hence, it is prayed to dismiss the Writ Petition (AT).

5. Learned counsel for the petitioner would contend that the impugned action of the respondents, in cancelling the provisional SRK, J W.P.(AT) No.564 of 2021 12 selection of the petitioner, is wholly arbitrary, disproportionate and contrary to the principles laid down by the Hon'ble Supreme Court as well as this Court in a catena of decisions. He further contends that the petitioner, pursuant to the Notification issued by the authority, participated in entire recruitment process, and successfully qualified the Preliminary Selection Test, Physical Measurement Test and Written Examination and thereafter his provisional selection was declared, and there is no allegation that the petitioner secured his selection by practising any fraud in the selection process or that he had any adverse antecedents other than the criminal case referred to, by the respondents. Leaned counsel further contends that the criminal case in Crime No.133 of 2011 of Payakaraopeta Police Station was foisted out of a private civil dispute between the petitioner's father and the de facto complainant therein, and that the petitioner was falsely implicated as one of the accused, and that the offences alleged were under Sections 323 and 324 read with [Section 34](#) IPC, and they are not grave in nature and do not involve the offences of serious moral turpitude.

Learned counsel further contends that the core point involved in the present Writ Petition is that criminal prosecution ultimately failed and the same is the relevant circumstance which ought to have SRK, J W.P.(AT) No.564 of 2021 13 been considered by the competent authority while determining the suitability of petitioner's candidature. It is further submitted that the petitioner's omission to mention the criminal case in the Attestation Form ought not to have been treated as a disqualification. According to learned counsel, law does not contemplate

that every omission, irrespective of the nature of the offence or the circumstances in which the candidate came to be involved, must necessarily result in cancellation of appointment or provisional selection. The principle emerging from the catena of judgments rendered by the Hon'ble Apex Court is that the consequence of such suppression must depend upon the facts and circumstances of the individual case. It is therefore contended that the respondents failed to exercise their discretion in a proper manner and have treated the alleged non-disclosure as a disqualification without examining as to whether the petitioner was otherwise suitable for the appointment, and contrary to the spirit and object of the law laid down by the Hon'ble Apex Court.

6. Per contra, learned Government Pleader for Services-I appearing for the respondents would submit that the Writ Petition is devoid of merit and force, and is liable to be dismissed. According to learned Government Pleader, the petitioner consciously suppressed a material fact relating to his criminal antecedent in the Attestation SRK, J W.P. (AT) No.564 of 2021 14 Form and, therefore, the cancellation of his provisional selection is in accordance with the applicable Rules. Learned Government Pleader would submit that the recruitment was for appointment to the Police Department, and a candidate required to maintain high standard of integrity, discipline and character. Though the petitioner is fully aware of the fact of registration of criminal case as against him by the time of his submitting the Attestation Form, he suppressed the said fact, therefore, the petitioner's plea that non-disclosure was inadvertent, cannot be accepted. It is further contended that the issue before the Appointing Authority was not merely whether the petitioner was ultimately convicted, but whether he had honestly disclosed the criminal proceedings when called upon to furnish information regarding his antecedents.

Learned Government Pleader would further contend that acquittal of the petitioner was not an acquittal on a positive finding of innocence, but was an acquittal by giving benefit of doubt, therefore, nature of an acquittal and the reasons recorded by the competent Court are relevant, and that the administrative authority is entitled to independently consider as to whether the petitioner is suitable for appointment. It is therefore contended that the petitioner cannot seek a direction for appointment as a matter of right merely because he SRK, J W.P.(AT) No.564 of 2021 15 subsequently came to be acquitted. According to him, the suppression of case proceedings as against the petitioner goes to the very root of the recruitment process, and there are no mala fides or arbitrariness on the part of the respondents, and the cancellation was made strictly in accordance with the applicable statutory Rules. Hence, it is prayed to dismiss the Writ Petition.

7. Heard the learned counsel for the petitioner, and the learned Government Pleader for Services-I. Perused the entire material available on record.

8. Now the point that arises for determination is whether the action of the respondents in cancelling the petitioner's provisional selection on the ground that he had not disclosed the criminal case in the Attestation Form warrants interference by this Court?

9. Before considering the rival contentions, it is apposite to refer to the settled legal position prevailing the disclosure of criminal antecedents by a candidate seeking public employment. There can be no dispute that a candidate is required to furnish true and complete information when specifically called upon to disclose his/her criminal antecedents. The appointing authority, undoubtedly, bound to verify the character and antecedents of a person proposed to be appointed as a member employee. However, the power of the SRK, J W.P.(AT) No.564 of 2021 16 authority to consider the antecedents of a candidate does not imply that every instance of non-disclosure must invariably and mechanically result in cancellation of selection. The guidelines laid down by the Hon'ble Supreme Court in [Avtar Singh v. Union of India](#) and others¹ case require the appointing authority to consider the relevant facts and circumstances while determining the suitability of the candidate. The nature of the offence, the circumstances in which the candidate came to be implicated, the result of the criminal prosecution, the nature of the acquittal, the age and antecedents of the candidate and the requirements of the post, are all circumstances which may legitimately bear upon such determination.

10. Therefore, the case on hand cannot be confined to a question as to whether the petitioner disclosed the criminal case in the Attestation Form, and indeed, the question is whether, having regard to all the relevant circumstances, the cancellation of his provisional selection solely on the ground of such non-disclosure represents a fair, reasonable and objective exercise of the discretion vested in the appointing authority.

11. Learned counsel for the petitioner would contend that the case that was registered as against the petitioner ended in acquittal, 1 (2016) 8 SCC 471.

SRK, J W.P.(AT) No.564 of 2021 17 and even the offences alleged in the said case are under Sections 324 and 323 read with 34 of [IPC](#), and that on account of civil disputes between the father of petitioner and the de facto complainant in the said case, the said false case was foisted as against the petitioner, the same is upheld by the competent Criminal Court by acquitting him of all the charges; that the approach should be to condone minor indiscretions made by the petitioner rather than to brand him as criminal for the rest of his life. Learned counsel placed strong reliance on a proposition of law [laid down by](#) the Hon^{ble} Supreme Court in [Commissioner of Police and others v. Sandeep Kumar](#)² wherein it was held as under: (paragraph Nos.8, 9, 10, 11 and 12) "8. We respectfully agree with the Delhi High Court that the cancellation of his candidature was illegal, but we wish to give our own opinion in the matter. When the incident happened the respondent must have been about 20 years of age. At that age young people often commit indiscretions, and such indiscretions can often be condoned. After all, youth will be youth. They are not expected to behave in as mature a manner as older people. Hence, our approach should be to condone minor indiscretions made by young people rather than to brand them as criminals for the rest of their lives.

9. In this connection, we may refer to the character "Jean Valjean" in Victor Hugo's novel Les 2 (2011) 4 Supreme Court Cases 644.

SRK, J W.P.(AT) No.564 of 2021 18 Miserables, in which for committing a minor offence of stealing a loaf of bread for his hungry family Jean Valjean was branded as a thief for his whole life. The modern approach should be to reform a person instead of branding him as a criminal all his life.

10. We may also here refer to the case of Welsh students mentioned by Lord Denning in his Due Process of Law. It appears that some students of Wales were very enthusiastic about the Welsh language and they were upset because the radio programmes were being broadcast in the English language and not in Welsh. They came up to London and invaded the High Court. They were found guilty of contempt of court and sentenced to prison for three months by the high Court Judge. They filed an appeal before the Court of Appeals. Allowing the appeal, Lord Denning observed:

"I come now to Mr. Watkin Powell's third point. He says that the sentences were excessive. I do not think they were excessive, at the time they were given and in the circumstances then existing. Here was a deliberate interference with the course of justice in a case which was no concern of theirs. It was necessary for the Judge to show and to show to all students everywhere that this kind of thing cannot be tolerated. Let students demonstrate, if they please, for the causes in which they believe. Let them make their protests as they will. But they must do it by lawful means and not by unlawful. If they strike at the course of justice in this land and I speak both for England and Wales, they strike at the roots of society itself, and they bring down that which protects them. It is only by the maintenance of law and order that they are privileged to SRK, J W.P.(AT) No.564 of 2021 19 be students and to study and live in peace. So let them support the law and not strike it down.

But now what is to be done? The law has been vindicated by the sentences which the Judge passed on Wednesday of last week. He has shown the law and order must be maintained, and will be maintained. But on this appeal, things are changed. These students here no longer defy the law. They have appealed to this Court and shown respect for it. They have already served a week in prison. I do not think it necessary to keep them inside it any longer. These young people are no ordinary criminals. There is no violence, dishonesty or vice in them. On the contrary, there was much that we should applaud. They wish to do all they can to preserve the Welsh language. Well may they be proud of it. It is the language of the bards of the poets and the signers more melodious by far than our rough English tongue. On high authority, it should be equal in Wales with English. They have done wrong, very wrong, in going to the extreme they did. But, having been shown, I think we can, and should, show mercy on them. We should permit them to go back to their studies, to their parents and continue the good course which they have so wrongly disturbed." (Vide Morris v. Crown Office [1970] 2 QB

114 : (1970) 2 WLR 792 : (1970) 3 All ER 1079 (CA)} 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 SRK, J W.P.(AT) No.564 of 2021 20 criminal case under [Sections 325/34](#) IPC. 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, and hence a more lenient view should be taken in the matter."

12. Learned counsel for the petitioner contends that in a case of this nature, the erstwhile Andhra Pradesh Administrative Tribunal at Hyderabad in P.Vinay v. The State Level Police Recruitment Board³ allowed the Original Applications observing as under: (paragraph Nos.11 and 12) "11. It is not in dispute that the applicants in the above O.As have failed to mention about their involvement in the criminal cases, including their arrest, in the Attestation Forms, which they have submitted after their provisional selection. In some of the cases, they were acquitted long prior to the notification itself. In some cases, they were acquitted before they were provisionally selected by the respondents. Except in O.A.No.3771 of 2014, in all other cases, the applicants are involved in petty offences like causing simple hurt, mischief etc. At any rate, those offences are not the one involving more turpitude or heinous in nature like murder, rape etc. Therefore, the authorities are bound to examine whether their failure to mention about their involvement in the 3 Common Order dated 27.09.2016 passed in O.A.No.3770 of 2014 with VMA No.552 of 2016 and Batch, by the Andhra Pradesh Administrative Tribunal at Hyderabad.

SRK, J W.P.(AT) No.564 of 2021 21 criminal cases, in the Attestation Forms, goes to root of the matter, and those cases even if mentioned in the Attestation Forms, would have disentitled them for appointment, in the light of conclusions of the Hon^{ble} Supreme Court, in the recent judgment cited supra.

12. As per the above judgment, even if the involvement in criminal case are not mentioned in the Attestation Forms, still, the authorities have a duty to see whether those cases even if disclosed in the Attestation Forms would have disentitled them for appointment, in view of the nature of offences mentioned therein. In the present O.As, except in O.A.No.3771 of 2014, the applicants are charged with petty/simple offences. That apart, they ended in compromise before the Lok Adalat by the parties and they were acquitted by the Lok Adalat of the offences. It is settled principle of law that acquittal by Lok Adalat constitutes no stigma. Therefore, I am of the view that the impugned orders cancelling the provisional selection of the applicants in all the above O.As, except O.A.No.3771 of 2014, are not sustainable in law and on facts. Therefore, those orders are set-aside."

13. Learned counsel for the petitioner further placed reliance on an Order rendered by this Court in [The State of Andhra Pradesh v. Vadde Pavan Kumar](#)⁴ wherein this Court held as under:

(paragraph Nos.24 and 25) 4 Writ Petition Nos.33306 of 2012 and Batch, Common Order dated 26.04.2023 passed by the High Court of Andhra Pradesh, Nelapadu at Amaravati.

SRK, J W.P.(AT) No.564 of 2021 22 "24. It is relevant to note here that in all these cases, the respondents were involved in the said cases relating to trivial offences during their young age.

Therefore, the observation made by the Apex Court and the [ratio laid down in](#) the above Judgment squarely applies to the present facts of the case. Further, in these cases, the respondents were already acquitted even before notification for selection was issued.

25. Therefore, in view of the law [laid down in](#) the above judgments, we are also of the considered view that as the respondents were otherwise found to be eligible for selection and for recruitment in the said posts, the cancellation of their selection and discharge of other respondent from service on the sole ground of non- disclosure of the information relating to their earlier involvement in the criminal cases in which they were acquitted of the said trivial offences, is legally not sustainable."

14. Learned counsel for the petitioner further contends that the Hon^{ble} Supreme Court in [Ravindra Kumar v. State of U.P.](#)⁵ held that 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 the great, vast and diverse country, and each case will depend on the facts and circumstances that prevail thereon and the Court will have to take a 5 2024 SCC OnLine SC 180.

SRK, J W.P.(AT) No.564 of 2021 23 holistic view, based on objection criteria with the available precedents serving as a guide, and it can never be a one size fits all scenario. Having regard to the observation made by the Hon“ble Apex Court in the aforesaid case, a Division Bench of this Court in [The Government of Andhra Pradesh and others v. T.Siva Kumar](#)⁶ held as under: (paragraph No.13) "13. In the present case also, the offence was trivial in nature. The respondent was acquitted before the Lok Adalat Bench on 21.01.2011. The order of cancellation was passed thereafter. The authority ought not to have passed the order of cancellation, taking into consideration the factum of acquittal and the nature of the offence."

15. Learned counsel for the petitioner also placed reliance of the proposition of law [laid down by](#) a Division Bench of this Court in *Dodla Penchalaiah v. The Director General of Police, Andhra Pradesh, Amaravati*⁷ held as under: (paragraph No.20) "20. Analysis and finding:

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Order, dated 27.11.2024 in Writ Petition No.17798 of 2013 on the file of the High Court of Andhra Pradesh, Nelapadu at Amaravati.

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Writ Appeal No.1364 of 2025, Judgment dated 06.05.2026 by the High Court of Andhra Pradesh, Nelapadu at Amaravati.

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8. The "Triviality" of the nature of the offence he was made a party to, if the young man was merely one of many accused (Accused No.13) in a general tribal village scuffle, this is often viewed as a petty or trivial matter that should not cost him his entire career. As deep rooted genetic, epigenetic causes and impact of environmental circumstances influence the opportunities and hurdles in an individual"s career growth path. The petitioner from a remote tribal family background shouldn"t lose the chance to serve the nature just because one small case in which his name was remotely placed and later got acquitted.

9. While some of the elite people in society who are accused in several grave criminal offences are facilitated to contest to the highest legislative roles until they are held guilty, an ordinary education tribal youth shouldn"t be denied an opportunity to serve the society as a constable. If this opportunity is denied to him, he won"t be eligible for any such jobs in future which would push such lower rung marginalized youth towards anti-social violence spreading criminal groups. So in the interest of the individual and society at large, considering the petitioner"s clean antecedents and conduct throughout this period of waiting, we hold that the cancellation of provisional selection of the petitioner to the post of Police Constable (Civil) is illegal, arbitrary and such order was passed by

the appointing authority without exercising power with objectivity and in a reasonable manner and thus it is liable to be quashed."

SRK, J W.P.(AT) No.564 of 2021 25

16. On the other hand, learned Government Pleader for Services-I would contend that the petitioner was undoubtedly acquitted in the criminal case, but he was given benefit of doubt, and that irrespective of the fact of his acquittal, what is material is disclosure of full and complete information regarding his involvement in a criminal case. He placed strong reliance on a decision rendered by the Hon^{ble} Supreme Court in [Director General of Police, Tamilnadu, Mylapore v. J.Raghunees8](#) wherein, the Hon^{ble} Supreme Court reiterated the case of [Avtar Singh v. Union of India](#) 2016) 8 SCC 471 : (2016) 2 SCC (L&S) 425, which is extracted hereunder: (paragraph No.13) "13. In [Avtar Singh](#) case, a Three-Judge Bench of this Court while dealing with a similar kind of situation summarised the legal position by stating that:

(i) Information given by the candidate to the employer as to his conviction, acquittal, arrest or pendency of a criminal case, whether before or after entering into service must be true and there should be no suppression or false mention of required information.

(ii) In cases where conviction or acquittal had already taken place before filling the application/verification form, the employer may consider all relevant facts available as 8 (2023) 16 Supreme Court Cases 647.

SRK, J W.P.(AT) No.564 of 2021 26 to antecedents and may take appropriate decision as to the continuance of the employee, and;

(iii) And even if the employee had made truthful declaration of a concluded criminal case, the employer still has the right to consider antecedents of the candidate/ employee and cannot be compelled to appoint him/her.

17. Learned Government Pleader further contends the Hon^{ble} Supreme Court in [State of Madhya Pradesh and others v. Rajkumar Yadav9](#) wherein the Hon^{ble} Supreme Court held that the Screening Committee had acted within its legitimate sphere of discretion, and unless the decision was shown to be arbitrary, unreasonable, whimsical, or mala fide, Courts should not interfere. The Division Bench, by directing reconsideration treating the acquittal as honourable, intruded into the functional domain of the Screening Committee, and substituted its own view impermissibly.

18. Learned Government Pleader further placed reliance on a judgment rendered by the Hon^{ble} Apex Court in [State of Uttar 9 2026 SCC OnLine SC 362](#).

SRK, J W.P.(AT) No.564 of 2021 27 Pradesh, through its Principal Secretary and others v. Ajay Kumar Malik10 wherein it was held as under: (paragraph No.22) "22. Another bothersome aspect is the manner in which the Services Tribunal dealt with the matter. The larger public interest and the proven irregularities in the recruitment process have not been properly appreciated by the Services Tribunal. A technical distinction was sought to be drawn by the Services Tribunal, and affirmed by the High Court, that since the departmental proceedings were initiated on the charges of „medical unfitness owing to „colour blindness“ and „for presenting false and misleading report about Court orders“, both of which were incorrect as the Respondent never suffered from colour blindness and that he had never committed any positive act to mislead the authorities, the action against him could not be sustained. The purported distinction, while appealing at first blush, pales into insignificance when we pose the most relevant question, namely, that by their observations, do the Services Tribunal and the High Court mean to suggest that it is permissible for a person with medical deformity „A“, which is enough to disqualify him, join service by answering, rightly, that he does not suffer from medical deformity „B“? The answer being in the negative, no indulgence is warranted. The Services Tribunal and the High Court lost sight of the fact that the case before them was not just a 10 2026 SCC OnLine SC 639.

SRK, J W.P.(AT) No.564 of 2021 28 service/appointment dispute but had emanated from a large-scale recruitment hit by irregularities.

19. The factual matrix is not in dispute. Pursuant to a Notification issued by respondent authorities for Recruitment to the posts of SCT PC (Civil/AR/SAR CPL/APSP), Constables (Men) in SPF Department and Firemen in Andhra Pradesh Fire and Emergency Services Department, the petitioner participated in the selection process, and was declared provisionally selected to the post of SCT PC (Civil). When he was awaiting receipt of appointment letter from 3rd respondent, a show-cause notice was issued to him as to why his appointment shall not be cancelled on the ground that he suppressed the fact of his involvement in a criminal case while submitting Attestation Form. After receipt of explanation submitted by the petitioner, the impugned Memorandum dated 10.01.2014 was issued by 3rd respondent, informing the petitioner that his provisional selection was cancelled.

20. It is not in dispute that pursuant to a report lodged by de facto complainant by name D.Venkateswara Rao, a case in Crime No.133 of 2011 of Payakaraopeta Police Station was registered for the offences punishable under Sections 324 and 323 read with 34 of SRK, J W.P.(AT) No.564 of 2021 29 [IPC](#), wherein, the petitioner was arrayed as A4, and the same is the subject matter of Calendar Case No.623 of 2011 on the file of the Additional Judicial Magistrate of First Class, Yelamanchili, wherein, the petitioner was acquitted vide Judgment dated 14.08.2015.

21. The authorities are bound to examine whether failure to mention about the involvement in the aforesaid case in the Attestation Form goes to the root of the matter, and that the said case, even if mentioned in the Attestation Form, would have disentitled the petitioner for appointment. Even if the involvement in criminal case is not mentioned in the Attestation Form, the authorities have a duty to see, whether such case even if disclosed in the Attestation Forms, would have disentitled the petitioner for appointment, in view of the nature of offences alleged therein. There cannot be any dispute that in the case on hand, the alleged offences against the petitioner are punishable under Sections 324 and 323 read with 34 of [IPC](#). In [Vadde Pavan Kumar](#)⁴ case supra, a Division Bench of this Court, in view of the law [laid down in](#) the above judgments, held that as the respondents therein were otherwise found to be eligible for selection and for recruitment posts therein, cancellation of their selection and discharge of other respondent from service on the sole ground of non-disclosure of the information SRK, J W.P.(AT) No.564 of 2021 30 relating to their earlier involvement in the criminal cases in which they were acquitted of the said trivial offences, is legally not sustainable.

22. Further, another Division Bench of this Court in [Dodla Penchalaiah](#)⁷ supra, in the context of recruitment to the Police Department, held that cancellation of provisional selection on the ground of non-disclosure of involvement in a criminal case is not sustainable. The Division Bench, while considering the matter, did not treat the fact of non-disclosure as conclusive by itself. The Court examined the nature of the offence, the circumstances in which the candidate had been implicated, the subsequent acquittal and overall antecedents and conduct of the candidate. The emphasis was upon an objective assessment of the individual facts of the case rather than application of an uniform or mechanical rule to every instance of non-disclosure. The requirement of straight disclosure and the power of the appointing authority to assess antecedents must necessarily exist with the obligation to exercise the said power in a fair, rational and objective manner. The act of non-disclosure is undoubtedly a relevant circumstance, but it is not necessarily the sole or determinative circumstance in every case.

23. The difference between suppression of a serious criminal antecedent and non-disclosure relating to a comparatively SRK, J W.P.(AT) No.564 of 2021 31 minor criminal case arising out of a private dispute, cannot be disregarded. The consequences of the omission must bear a cogent relationship to the nature of the essential conduct and its relevance to suitability of the candidate for the post in question.

24. This Court is of the opinion that the principles emerging from [Vadde Pavan](#)⁴ and [Dodla Penchalaiah](#)⁷ cases supra are particularly relevant to the facts of the present case, and the mere fact of non-disclosure cannot, by itself, conclude the question of suitability. The competent authority is required to consider the circumstances in their entirety, including the nature and seriousness of the offence, the circumstances leading to the criminal case, the result of prosecution and the antecedents and conduct of the candidate. The discretion of the appointing authority must be exercised objectively, reasonably and with due regard to the facts of the case. Such non-disclosure of the information is to be considered along with other relevant facts and circumstances available as to antecedents of the candidate to decide whether he is suitable to the selected and recruited for the said post.

25. In [Sandeep Kumar2](#) case supra, the Hon“ble Apex Court observed that it is true that the respondent therein did not mention that he was involved in a criminal case for an offence under Section SRK, J W.P.(AT) No.564 of 2021 32 325 read with 34 of [IPC](#), and at any event it was not such a serious offence like murder, dacoity or rape, and hence, a more lenient view should be taken in the matter.

26. In [Avtar Singh1](#) case supra, a Three Bench Judge of the Hon“ble Apex Court held that in a case trivial in nature, in which conviction had been recorded, such as shouting slogans at young age or for a petty offence which if disclosed would not have rendered incumbent unfit for the post in question, the employer, may, in its discretion, ignore such suppression of fact or false information by condoning the lapse. Therefore, from the aforesaid decision, it is clear that even when a candidate is found to have suppressed information relating to his earlier involvement in a criminal case, a wide discretion is given to the employer to consider the said fact along with other antecedents to take appropriate decision regarding his suitability for selection and recruitment to the said post. Therefore, validity of the impugned order passed cancelling the selection of the petitioner when tested on the touchstone of the aforesaid principles [laid down by](#) the Hon“ble Apex Court and the Division Benches of this Court stated supra, it is clear that the respondent authorities did not exercise the discretion in terms of the above guidelines.

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27. The aforesaid principles assume greater significance in the present case because the criminal proceedings against the petitioner arose out of a dispute between his family and the de facto complainant therein, which resulted in the alleged offences under Sections 323 and 324 read with [Section 34](#) of IPC, and those allegations were not in respect of offences of the nature of murder, rape, dacoity or other grave offences involving serious criminality or moral turpitude, as in the case of [State of Madhya Pradesh and others v. Rajkumar Yadav9](#), wherein the offences alleged therein are punishable under Sections 363, 366, 366-A, 376 (2) (f) and [Section 120B](#) of IPC, and in view of the said reason, with due respect, the facts of the present case distinguishable from the facts of [Raj Kumar Yadav9](#) case.

28. There is nothing on record to indicate that the antecedents of the petitioner are otherwise bad so as to take an extreme decision of cancelling his provisional selection on the sole ground of non-disclosure of information relating to his earlier involvement in the criminal case, which does not involve any heinous offence or offences of moral turpitude, in which he was acquitted.

29. The impugned proceedings proceed essentially on the premise that since the petitioner failed to disclose the criminal case, SRK, J W.P.(AT) No.564 of 2021 34 his provisional selection was liable to be cancelled. Apparently, there is no adequate consideration of nature of the offences alleged as against the petitioner, the circumstances in which he came to be implicated, the subsequent result of the criminal prosecution, or his overall antecedents and conduct.

30. A perusal of the material on record goes to show that the respondents seem to have treated the alleged suppression of fact by the petitioner as a disqualification without examining the further question as to whether, in the peculiar facts of the case, the omission was of such a nature and consequence as to render the petitioner unsuitable for appointment. The approach required in such matters has also been indicated by the Hon'ble Supreme Court in [Sandeep Kumar2](#), wherein the Hon“ble Apex Court cautioned against treating minor indiscretions committed by young persons as an indelible stigma for the remainder of their lives, particularly where the underlying offence is not of a serious nature. The said principle does not mean that disclosure of criminal antecedents is unnecessary, rather, it emphasizes the need to assess the nature and gravity of the underlying conduct before imposing a consequence as serious as denial of public employment. Similarly, the principle emerging from [Ravindra Kumar5](#) case that, case of non-disclosure cannot be dealt SRK, J W.P.(AT) No.564 of 2021 35 with by applying a rigid, one-size-fits-all formula. The facts and circumstances of each case require individual consideration. The nature of the offence, the circumstances in which the candidate came to be involved, the result of the criminal case and the overall conduct of the candidate are relevant considerations in determining the consequence of non-disclosure.

31. Even in the context of police recruitment, the Division Bench of this Court in [Vadde Pavan4](#) and [Dodla Panchalaiah7](#) cases supra, recognised the necessity of considering the triviality or seriousness of the offence, the

circumstances of the criminal case, the acquittal and the candidate's antecedents and conduct before sustaining the cancellation of selection. In view of the foregoing discussion, this Court is of the opinion that the impugned order issued by 3rd respondent is not sustainable, and the petitioner is entitled to the relief sought.

32. Accordingly, the Writ Petition (AT) is allowed. The Memorandum issued by 3rd respondent in R.C.No.519/R&T/ GENL.2/2012, dated 10.01.2014, is hereby set aside. The respondents are directed to appoint the petitioner in service for the post of Police Constable SCT PC (Civil) for which he was provisionally selected, pursuant to his participation in the selection SRK, J W.P.(AT) No.564 of 2021 36 process under Notification dated 31.10.2011. The petitioner is entitled for all notional benefits, including pay, seniority and other consequential benefits, however, he is not entitled for the arrears of salary.

There shall be no order as to costs of the Writ Petition (AT). As a sequel, interlocutory applications pending, if any, in the Writ Petition (AT) shall stand closed.

JUSTICE K. SREENIVASA REDDY 25th September, 2026.

Note:

LR Copy to be marked.

B/o.

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