



**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. 3279 OF 2026
(@SPECIAL LEAVE PETITION (CIVIL) NO.10967 OF 2024)**

**THE STATE OF MADHYA PRADESH
& ORS. ...APPELLANT(S)**

VERSUS

RAJKUMAR YADAV ...RESPONDENT(S)

J U D G M E N T

N.V. ANJARIA, J.

Leave granted.

1.1. The appellants are permitted to place on record the additional documents, as prayed for.

2. More often than not, the quality of law and order in the society and maintenance thereof depends upon the character of the persons serving in the police force. It

becomes imperative that the recruitees in the disciplined force should be the persons beyond reproach and men with rectitude.

2.1. The exposition of the above narrative is required to be applied in its four corners while examining the challenge to judgment and order dated 20.07.2023 passed by the High Court of Madhya Pradesh in Writ Appeal No. 297 of 2023, which is impugned in the present appeal preferred by the appellant—the State of Madhya Pradesh.

2.2. Learned Single Judge of the High Court dismissed the writ petition of respondent-original petitioner (hereinafter referred to as 'the respondent' as per the present position) by judgment and order dated 09.02.2023 in which the respondent had challenged the rejection of his candidature by the screening committee for appointment to the post of constable (driver) in the police force on the ground that the petitioner had criminal antecedents.

2.3. The Division Bench of the High Court set aside the judgment and order of learned Single Judge, consequently set at naught order-cum-decision dated 16.06.2017, whereby the screening committee treated the respondent to be not fit for giving employment as constable. It further directed the competent authority of the appellants to reconsider the case of the respondent, for appointment to the post of constable (driver) by treating the acquittal dated 26.09.2014 granted to the respondent to be a clean and honourable acquittal and to pass appropriate order within stipulated time.

2.4. The operative part of the impugned judgment and order of the High Court in Paragraph 11 is reproduced herein,

‘(i) Impugned order dated 09.02.2023, passed in WP No 4212/2017 is set aside.

(ii) Impugned order dated 16.6.2017(Annexure-P/1 to the petition), passed by the respondents is quashed for having been passed without application of mind.

(iii) The respondents/competent authority is directed to reconsider the case of the appellant for appointment to the post of

constable (driver) in Police Force afresh by treating the acquittal dated 26.09.2014 to be clean and honourable and pass an appropriate speaking order in accordance with law.

(iv) The aforesaid exercise be completed within a period of 60 days from the date of receipt of certified copy of this order.'

3. In the writ petition before the High Court, the respondent herein prayed to set aside the order-cum-decision dated 16.07.2017 of the competent authority of the screening committee. The screening committee had undertaken the character verification of the respondent and after examination, treated the respondent to be ineligible for the police service. The respondent had applied for the post of constable (driver) in the process of appointment of the police constables in different categories initiated in the year 2016. He was qualified to stand at serial No. 336 in the unreserved category. Before joining, the respondent submitted an affidavit disclosing the factum of criminal case against him, and enclosed copy of the order of the acquittal.

3.1. In the year 2012, First Information Report bearing Crime No. 33 of 2012 was registered against the respondent and four other accused persons in respect of the offences under Sections 363, 366, 366-A, 376(2)(f) and Section 120B of the Indian Penal Code, 1860, at Begumganj Police Station, Raisen district. The chargesheet came to be filed against the respondent and the trial took place. The trial court by judgment and order dated 26.09.2014 acquitted the respondent herein and two other accused persons giving them benefit of doubt.

3.2. In course of the recruitment process, the screening committee of the appellant herein undertook the process of character verification. The respondent was found to be not fit for the post in question on the ground of the said criminal case against him. In the writ petition, the respondent-petitioner contended *inter alia* that he was already acquitted and that he had also disclosed the registration of the criminal case against him. It was submitted that in the M.P. Police Manual, there was no provision which created any bar on the appointment of candidate against whom a criminal case has been

registered. It was further submitted that the respondent was selected for the post of constable (driver) and not for discharging general duty as constable, which aspect could not have been ignored by the employing authorities.

3.3. The stand of the respondent in the writ petition was that though the petitioner was acquitted in the criminal case by the trial court, it was an acquittal by giving benefit of doubt. It was pointed out that the respondent was tried for the serious offences in the nature of moral turpitude and was acquitted on technical ground, therefore, he was not liable to be considered for the post of police constable and therefore was not allowed to join duty. It was stated that in view of the provision in paragraph 53(C) of the M.P. Police Regulations, the respondent was not fit for the post of police constable inasmuch as his acquittal was on technical ground.

3.4. While dismissing the writ petition and negating the prayer of the respondent, learned single judge took note of paragraph 53(C) of the M.P. Police

Regulations. He further took the view that the acquittal of the respondent in the criminal case was not a clean acquittal, but was founded on the ground of benefit of doubt, and when there was no clean acquittal, the respondent was rightly refused induction into the service in the police department. According to the Division Bench, however, the acquittal was honourable as per paragraph 90 and 92 of the judgment and that it was incorrect to project the acquittal not to be the clean acquittal.

4. Heard learned Advocate Mr. Sarthak Raizada with learned advocate-on-record, Mr. Sarad Kumar Singhania for the appellant-State along with other assisting advocates, learned senior advocate Mr. Santosh Kumar with learned advocate Mr. Rajiv R. Mishra and other assisting advocates, at length. Both the learned advocates made this Court travel through the record of the case including the judgment of the trial court which acquitted the respondent.

5. In the impugned judgment and order, the Division Bench of the High Court has taken the view that in light of what is observed in paragraph 90 and 92 of the judgment of the trial court, the respondent was honourably acquitted. While it may be true that the trial court discussed the evidence before recording the acquittal, there is no gainsaying that what the court held was that the charges against the four accused including the respondent herein were not proved beyond reasonable doubt.

5.1. The relevant part of paragraph 90, is extracted herein,

‘Involvement of the remaining accused except accused Dhaniram in the crime and the criminal conspiracy hatched by them is doubtful. Therefore, the other four accused are entitled to get the benefit of doubt. The charge against them is not proved beyond reasonable doubt.’

5.1.1. In the same way, the following was recorded in paragraph 92,

‘The court concludes that the charges against the remaining accused Delan, Vishal, Rajkumar

and Mahesh are not proved beyond reasonable doubt for criminal conspiracy and kidnapping of minor girl from lawful guardianship, kidnapping of minor girl for illicit sexual intercourse and criminal conspiracy for rape under Section 363 alternative, Section 363/120B, Section 366 alternative, Section 366/120-B, Section 366-A and Section 376 (2) (c) / 120-B IPC. The above four accused are entitled to be acquitted of all the above charges.’

5.2. The concept of “honourably acquitted”, often becomes hazy. This court on several occasions observed that the expressions “honourable acquittal”, “acquittal of blame”, “fully acquitted” are unknown to the Code of Criminal Procedure, 1973 or the Penal Code, 1860. These phrases are coined in the judicial pronouncements.

5.2.1. An honourable acquittal may be one where court comes to a definitive conclusion at the end of the trial upon full-fledged appreciation of evidence that the accused had not committed an offence for which he was charged. This would stand in sharp contrast against arriving at a finding that because of some lacuna in the prosecution case or in the leading the evidence or on

account of non-availability of credible evidence, the offender is not convicted by giving him the benefit of doubt. In such eventualities, the yardstick known to the criminal jurisprudence is applied namely that the offence has to be proved beyond reasonable doubt.

5.2.2. A simple example would explain the nicety of the distinction between an honourable acquittal and the acquittal other than honourable. In a given case, say a person is charged for committing misappropriation of money. After trying the accused for the offence, if the court comes to a clear conclusion that the person has not committed misappropriation and has not defalcated money, it amounts to a clean chit in respect to the offence. It is suggestive of the factum that the misappropriation was not done. However, if the court holds that charge of misappropriation is not proved on the account of weak prosecution case or weak evidence and therefore it is not possible to conclusively record finding about the commission of offence, the acquittal which may follow in such circumstances cannot be said to be an honourable acquittal.

5.2.3. The acquittal founded on benefit of doubt is an acquittal based on technical ground. Giving benefit of doubt and thus not convicting the offender is a technical consideration applied. The acquittal for the respondent was governed by such criteria.

5.3. In **Commissioner of Police, New Delhi & Anr. Vs. Mehar Singh**¹, this court had on occasion to consider the question whether the candidature of the respondents who had revealed of their involvement in a criminal case by mentioning such fact in their application/attestation form while applying for a post of constable in Delhi Police, who were provisionally selected subject to verification of their antecedents and who were subsequently acquitted/discharged in the criminal case, could be cancelled by the screening committee of the Delhi Police on the ground that they were not found suitable for appointment to the post of constable.

5.3.1. This Court observed that the screening committee was within its right to cancel the candidature

¹ (2013) 7 SCC 685

of a candidate even if the candidate was acquitted of the criminal charges, by taking into account the nature of acquittal. It was observed that persons involved in grave cases of moral turpitude could be properly kept out of police force even if they are acquitted or discharged.

5.3.2. Stated this Court thus,

‘It is only experienced officers of the screening committee who will be able to judge whether the acquitted or discharged candidate is likely to revert to similar activities in future with more strength and vigour, if appointed, to the post in a police force. The screening committee will have to consider the nature and extent of such person's involvement in the crime and his propensity of becoming a cause for worsening the law and order situation rather than maintaining it. In our opinion, this policy framed by the Delhi Police does not merit any interference from this Court as its object appears to be to ensure that only persons with impeccable character enter the police force.’

(Para 23)

5.3.3. It was emphasised that satisfactory character antecedent has to be insisted for, when a person wishes to join the disciplined force,

‘The police force is a disciplined force. It shoulders the great responsibility of maintaining law and order and public order in the society. People repose great faith and confidence in it. It must be worthy of that confidence. A candidate wishing to join the police force must be a person of utmost rectitude. He must have impeccable character and integrity. A person having criminal antecedents will not fit in this category.’

(Para 35)

5.4. The purpose and utility of verification of a character and antecedents to judge the suitability of a person to the post need not be overemphasized. In **Avtar Singh Vs. Union of India & Ors.**². It was observed that it is one of the important criteria which is necessary to be fulfilled before appointment is made and that an incumbent should not have antecedents of such a nature which may adjudge him unsuitable for the post.

5.4.1. It was stated,

‘The verification of antecedents is necessary to find out fitness of incumbent, in the process if a declarant is found to be of good moral character

² (2016) 8 SCC 471

on due verification of antecedents, merely by suppression of involvement in trivial offence which was not pending on date of filling attestation form, whether he may be deprived of employment? There may be case of involving moral turpitude/serious offence in which employee has been acquitted but due to technical reasons or giving benefit of doubt.'

(Para 29)

5.5. In **Union Territory, Chandigarh Administration & Ors. Vs. Pradeep Kumar & Anr.**³, the respondents were declared successful in the recruitment for the post of constable in Chandigarh Police after clearing the physical efficiency test, physical measurement test, written test and interview. The respondents were prosecuted in criminal trial for the offences under Sections 323, 506 read with Section 34, Indian Penal Code, 1860 and were acquitted by the trial court. When the matter was referred to the screening committee as per the recruitment guidelines, the

³ (2018) 1 SCC 797

screening committee found that the respondents were not suitable for appointment as constables.

5.5.1. The Tribunal set aside the order of the screening committee and directed the authorities to consider the case of the respondents for appointment to the said post. The High Court refused to interfere with the order of the tribunal. This Court however did not approve the view taken by the tribunal and the High Court and restored the order of the screening committee.

5.5.2. The following principles came to enunciated by this court,

(a) The acquittal in a criminal case is not conclusive of the suitability of the candidates in respect of the post concerned. Even if a person is acquitted or discharged, it cannot always be inferred that he was falsely involved or he had no criminal antecedents.

(Para 10)

(b) Acquittal in a criminal case does not automatically entitle a candidate for appointment to the post. Still, it is open to the employer to consider the antecedents and examine whether the person is suitable for appointment to the post.

(Para 13)

(c) In a case where the employee has made declaration truthfully of a concluded criminal case, the employer still has the right to consider antecedents and cannot be compelled to appoint the candidate.

(Para 12)

5.5.3. It was reiterated that police service requires candidate with good character, integrity and clean antecedents,

‘Police service requires candidates of good character, integrity and clean antecedents. The police force is a disciplined force. It shoulders the great responsibility of maintaining law and order and public order in the society. People repose great faith and confidence in it. It must be worthy of that confidence. A person having criminal antecedents will not fit in this category. Even if he is acquitted or discharged in the criminal case, that acquittal or discharge order will have to be examined to see whether he has been completely exonerated in the case because even a possibility of his taking to the life of crimes poses a threat to the discipline of the police force.’

(Para 11, 13)

5.6. In **Union Territory, Chandigarh administration (supra)**, this Court underlined that

acquittal in criminal case is not always conclusive of the suitability of a candidate,

‘The acquittal in a criminal case is not conclusive of the suitability of the candidates in the post concerned. If a person is acquitted or discharged, it cannot always be inferred that he was falsely involved, or he had no criminal antecedents.’ (Para 10)

5.7. The law is also well settled that even the departmental enquiry can proceed independent of the acquittal in criminal case and that mere exoneration in criminal case would not entitle an employee to be reinstated as a necessary sequitur to the acquittal. In **Management of Reserve Bank of India, New Delhi Vs. Bhopal Singh Panchal**⁴, this Court held that when the High Court acquitted the respondent employee by giving benefit of doubt, the bank rightly refused to reinstate him in service on the ground that it was not an honourable acquittal. Further, the criminal antecedents of an employee and the nature of his acquittal is considered

⁴ (1994) 1 SCC 541

germane to be applied by the employer even while determining the entitlement of pay and allowance for the period concerned to the employee or for treating the period of suspension on duty.

6. As is already stated, in the present case, the respondent was charged in respect of the offences under Sections 363, 366, 366/120B, 366A, 376(2)(c) which were the offences in the nature of grave moral turpitude. Every moral turpitude has its own counts and degree to become either abhorrent and unacceptable conduct, and would also amount to commission of offence under the law. In a given case, moral turpitude may not result into a legally proved guilt, and it may go unpunished for variety of reasons. Still however, it remains a conduct against decency, morality and norms practiced in the civil society inviting a serious discount and disability for such person in a given situation and given context.

6.1. In service law jurisprudence, mere involvement of a person in an offence or in a conduct amounting to moral turpitude without anything else may become

relevant consideration to judge his fitness to the post and to assess credentials for allowing such a person into the employment.

7. The necessary conclusion from the parameters and principles summarised above, is that whether it is a question of recruiting a person into the service or continuing him in service or extending an employee some service benefit, his criminal antecedents, involvement in criminal activity, the conduct amounting to moral turpitude, registration of a criminal case as well as nature of his acquittal in a criminal case are all germane considerations to be applied. The employer who would be acting through a screening committee to sift such cases, has fairly a large realm of freedom to act, though without becoming arbitrary.

7.1. The area of discretion vested with the screening committee in this regard is wide enough to permit it to exclude a candidate or reject him for the purpose of giving appointment. In a given case where the facts are stark, mere involvement of a person in an alleged offence

or in the act of moral turpitude may become sufficient enough to apply it as debilitating factor for such candidate to be offered employment. Antecedents of a candidate play an important role in the decision-making process by the screening committee. This dictum would operate with greater rigour when it comes to the recruitment and appointment to the disciplined force like police.

7.2. The position of law was highlighted again in the following observations by this Court in **State of Madhya Pradesh & Ors. Vs. Parvez Khan**⁵,

‘...it is clear that a candidate to be recruited to the police service must be worthy of confidence and must be a person of utmost rectitude and must have impeccable character and integrity. A person having criminal antecedents will not fit in this category. Even if he is acquitted or discharged, it cannot be presumed that he was completely exonerated. Persons who are likely to erode the credibility of the police ought not to enter the police force.’ (Para 13)

7.2.1. It was further stated,

⁵ (2015) 2 SCC 591

‘No doubt the screening committee has not been constituted in the case considered by this Court, as rightly pointed out by the learned counsel for the respondent, in the present case, the Superintendent of Police has gone into the matter. The Superintendent of Police is the appointing authority. There is no allegation of mala fides against the person taking the said decision nor the decision is shown to be perverse or irrational.’ (Para 13)

7.3. The domain of considering the fitness and suitability of a candidate for the purpose of taking him in service belongs to the employer. A host of relevant consideration would legitimately find a place in the process of such consideration by the employer to decide whether it is feasible and advisable to offer employment to an aspirant. Where the employer or the screening committee of the employer has acted to discard, exclude or reject the candidature by applying relevant considerations and has not acted arbitrarily or whimsically, the courts have no role to interpose. Of course, a demonstrably mala fide approach by the

employer would give room to the courts to exercise the power of judicial review.

8. In **Mehar Singh (supra)** and in **Parvez Khan (supra)**, this court opined that the decision of the screening committee must be taken as final unless as it is shown to be mala fide. The screening committee also must be alive to the importance of the trust reposed in it and must examine the candidate with utmost care for the candidate's character.

9. But for the above limited considerations namely arbitrariness, unreasonableness, whimsicalness or mala fide approach, the scope of judicial review on this score is extremely limited. The courts are not expected to override the wisdom of the employer in judging the suitability of a candidate and in considering the relevance of the antecedents of the candidate and would not substitute its own view.

9.1. Reverting back to the facts of the instant case, the screening committee of the appellant rejected the candidature of the respondent for the post of constable

(driver) in police force as per the decision dated 16.06.2017. What weighed with the screening committee was that the respondent was found to be involved in the serious offences such as kidnapping and abducting a minor girl and raping her, which was a conduct undoubtedly amounting to moral turpitude. The respondent, though acquitted in the criminal case, was exonerated only on the ground of benefit of doubt.

9.2. Learned Single Judge was justified in dismissing the petition upholding the decision of the screening committee. The judgment and order of learned Single Judge of the High Court, which was eminently just and legal, came to be reversed by the Division Bench of the High Court for not good reason, directing that the acquittal ought to have been treated as an honourable acquittal and required the appellant-employer to consider the respondent for appointment to the post. The Division Bench of the High Court thereby intruded into the functional realm of the screening committee and trampled upon its discretion which was validly exercised by the

Committee to treat the respondent unsuitable to be employed in the police force.

10. For the foregoing discussion and reason, the impugned judgment and order dated 20.07.2023 passed by the Division Bench of the High Court allowing Writ Appeal No. 297 of 2023 cannot be sustained in eye of law. The same is set aside.

11. The appeal stands allowed.

All Interlocutory Applications, as may be pending, will not survive in view of the disposal of the main appeal.

....., J.
[AHSANUDDIN AMANULLAH]

....., J.
[N.V. ANJARIA]

NEW DELHI;
March 11th, 2026