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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 24.08.2026# **CNR No. DLHC010395282026**+ **LPA 660/2026, CM APPL. 56911/2026 & CM APPL. 56914/2026**

YASH ANIL GUPTA

.....Appellant

Through: Ms. Sangeeta Nenwani & Mr. Sagar
N. Pahune Patil, Advocates.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Nitinija Chaudhry, CGSC along
with Mr. Varun Pratap Singh, G.P. &
Mr. Rahul Mourya, Advocate for
Respondent No.1/Union of India.
Mr. Vinay Kumar Garg, Senior
Advocate along with Mr. Anukalp
Jain, Mr. Abhijit Mittal, Ms. Ankita
Bhattacharjee, Mr. Karandeep Singh
& Mr. Kartik Seth &, Advocates for
Respondent Nos. 2 & 3.**CORAM:****HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE TEJAS KARIA****TEJAS KARIA, J. (Oral)****CM APPL. 56912/2026 & CM APPL. 56913/2026 (Exemptions)**

1. Exemptions are allowed, subject to all just exceptions.
2. The Applications stand disposed of.



LPA 660/2026

3. The present *intra court* appeal assails the Order dated 27.07.2026 (“**Impugned Order**”) passed in W.P.(C) 10335/2026 (“**Writ Petition**”), filed by the Appellant.

4. The brief factual matrix leading to the filing of the present Appeal is as under:

- 4.1 The Appellant is a person with 100% hearing impairment and is in possession of a Disability Certificate dated 18.07.2016 issued by the Government of Maharashtra, as well as a Unique Disability Card dated 08.03.2021 issued by the Government of India, both of which certify his 100% hearing impairment.
- 4.2 On 20.02.2026, the Respondents issued an official Recruitment Advertisement for filling vacancies to the post of Executive Trainee (Mechanical) (E-2 Grade) (“**Post**”), through the Graduate Aptitude Test in Engineering (“**GATE**”) 2026 Examination, including vacancies reserved for Persons with Benchmark Disabilities (“**PwBD**”).
- 4.3 The Appellant, having completed his B. Tech. in Mechanical Engineering from Visvesvaraya National Institute of Technology, Nagpur, Maharashtra, and having qualified the GATE-2026 Examination, applied for the Post by submitting an online application form on 25.02.2026.
- 4.4 Thereafter, the Respondents shortlisted the Appellant and issued an interview call letter dated 08.06.2026 in respect of the Post.



4.5 Subsequently, on 15.06.2026, the Appellant submitted his Application Form for employment, along with the requisite documents, on the website of Respondent No. 2 (“**Application Form**”). In the Application Form, the Appellant answered Question No. 20 (“**Question No. 20**”), reproduced hereinbelow, in the negative:

“20. Have you ever been arrested in a criminal case or convicted, fined or imprisoned for violation of any law (excluding minor traffic violation) or is any criminal/ disciplinary / vigilance case pending/ever instituted against you or have you been barred/ disqualified by a Public Service Commission/University or any other educational authority from appearing in its examinations ?”

- 4.6 The Respondents, vide email dated 08.07.2026, issued an offer letter of appointment for the Post to the Appellant, directing him to report on 15.07.2026. Thereafter, the Appellant sent his signed acceptance letter by email to the Respondents on 14.07.2026 and reported for physical verification of documents on 15.07.2026.
- 4.7 On 15.07.2026, the Appellant filled the Attestation Form (“**Attestation Form**”), wherein he answered ‘Yes’ to the questions, ‘Have you ever been prosecuted?’ and ‘Is any case pending against you in any court of law at the time of filling up this attestation form?’, and ‘No’ to the question, ‘Have you ever been convicted by a Court of Law for any offence?’.
- 4.8 On 15.07.2026, the Appellant also submitted a disclosure affidavit dated 15.06.2026 (“**Affidavit**”) at the verification desk, disclosing First Information Report (“**FIR**”) No. 171/2020 dated 21.08.2020



(“**2020-FIR**”), registered at Ajintha Police Station, Maharashtra, for offences punishable under Sections 324, 323, 504, 506 and 34 of the Indian Penal Code, 1860 (“**IPC**”). The 2020-FIR was registered against the Appellant and his family members on the basis of complaints lodged by distant relatives arising out of an ancestral family land dispute.

- 4.9 On 17.07.2026, the Respondents questioned the ‘No’ entry made by the Appellant in the Application Form in response to Question No. 20, returned the documents submitted by him, and did not permit him to participate in the ongoing training programme for the Post (“**Training**”), pending completion of his background verification.
- 4.10 Thereafter, on 17.07.2026, the Appellant addressed an e-mail to the Respondents, stating that there were structural limitations in the Application Form, that he had no intention to suppress the pendency of the criminal cases, and requesting that he be permitted to re-join the Training.
- 4.11 Subsequently, the Appellant filed the Writ Petition, *inter alia*, seeking a direction to Respondent Nos. 2 and 3 to permit him to immediately re-join and complete the Training.
- 4.12 The learned Single Judge, *vide* the Impugned Order, dismissed the Writ Petition, *inter alia*, observing that the subsequent disclosures made in the Attestation Form and the Affidavit could not cure the earlier false declaration furnished in the Application Form, and that the Respondents’ decision to prevent the Appellant from continuing with the Training, pending a decision on his



candidature, could not be said to suffer from arbitrariness, perversity or any infirmity warranting interference under Article 226 of the Constitution of India, 1950.

4.13 Aggrieved by the Impugned Order, the Appellant has preferred the present Appeal.

5. Learned Counsel for the Appellant submitted that Question No. 20 is vague, ambiguous and comprises of distinct questions. The first question, namely, *‘Have you ever been arrested in a criminal case or convicted, fined or imprisoned for violation of any law (excluding minor traffic violation)?’*, was answered in the negative, as the Appellant had neither been arrested nor convicted, fined or imprisoned as on the date of submission of the Application Form. The second question, namely, *‘is any criminal/ disciplinary / vigilance case pending/ever instituted against you or have you been barred/ disqualified by a Public Service Commission/University or any other educational authority from appearing in its examinations?’*, was also answered in the negative, as the Appellant was not an accused in any criminal case involving a public service commission, university or any other educational authority. Learned Counsel for the Appellant further submitted that the Application Form did not contain any separate column requiring disclosure of any pending, unadjudicated FIR or criminal complaint against the Appellant.

6. It was submitted on behalf of the Appellant that, unlike the Application Form, the Attestation Form required the Appellant to state whether he had been *‘convicted’* by a court of law and provided only *‘Yes’* and *‘No’* options, without requiring any declaration regarding pending criminal cases. Learned Counsel for the Appellant submitted that, since the



Appellant had never been convicted by any court of law, he selected the option 'No'.

7. Learned Counsel for the Appellant further submitted that a 'conviction' and a mere 'pending FIR' are distinct concepts and cannot be equated. It was, therefore, contended that the Respondents acted unjustly in preventing the Appellant from participating in the Training and penalising him despite his having answered a specific question truthfully.

8. It was submitted on behalf of the Appellant that furnishing the Affidavit at the verification stage clearly showed that there was no *mens rea* or intention to suppress the 2020-FIR or FIR bearing No. 21/2022 dated 30.01.2022 ("**2022-FIR**"), registered at Ajintha Police Station, Maharashtra, for offences punishable under Sections 143, 147, 148, 149, 324, 323, 504 and 505 of the IPC against the Appellant and his family members, on complaints by distant relatives arising from an ancestral land dispute. It was further submitted that denial of appointment on account of FIR No. 171/2020 dated 21.08.2020 and the 2022-FIR ("**FIRs**") would cause grave prejudice and irreparable loss to the Appellant's career.

9. Learned Counsel for the Appellant placed reliance on **Avtar Singh v. Union of India and Others**, (2016) 8 SCC 471, to submit that, for determining suppression or furnishing of false information, the attestation/verification form must be specific and not vague.

10. Learned Counsel for the Appellant submitted that the Respondents, on 04.08.2026, also terminated the Appellant's appointment without considering the Affidavit and the e-mail representation dated 17.07.2026, and without affording the Appellant any opportunity of hearing.



11. Learned Senior Counsel for Respondent Nos. 2 and 3 submitted that the recruitment process for the Post comprised two stages. At the first stage, the Appellant was required to submit an online application furnishing his credentials. Thereafter, the Appellant was required to submit the Application Form, pursuant to which the Respondents issued the offer of appointment dated 08.07.2026. Learned Senior Counsel submitted that the said offer of appointment was expressly subject to verification of the Appellant's documents and that, accordingly, the Appellant was required to furnish the Attestation Form containing specific declarations regarding his criminal antecedents.

12. Learned Senior Counsel for Respondent Nos. 2 and 3 submitted that although the Appellant was aware of the FIRs and had obtained the Affidavit on 15.06.2026 itself, he did not submit the same until after the offer of appointment was issued on 08.07.2026. Learned Senior Counsel further submitted that, in the Affidavit, the Appellant disclosed only one of the two FIRs, namely, the 2020-FIR, and that the 2022-FIR was disclosed only in the Writ Petition.

13. Learned Senior Counsel for Respondent Nos. 2 and 3 placed reliance on *Avtar Singh* (*supra*), *Devendra Kumar v. State of Uttaranchal*, (2013) 9 SCC 363, *Bappa Barai v. Union of India & Ors.*, Neutral Citation: 2026 INSC 882, and *Kailash Mandal v. CISF*, 2026 SCC OnLine Del 548, to submit that, in a case involving deliberate suppression of material facts relating to multiple pending criminal cases, such false information assumes significance in itself, and an employer may pass an appropriate order cancelling candidature or terminating services, as the appointment of a person against whom multiple criminal cases are pending may not be proper.



14. Learned Senior Counsel further submitted that the Appellant's contention that Question No. 20 was vague and ambiguous is devoid of merit. It was submitted on behalf of Respondent Nos. 2 and 3 that the Appellant is a highly educated and meritorious candidate, capable of understanding the purport of Question No. 20, and that, if the Appellant had any doubt regarding its meaning, he could have sought clarification from Respondent Nos. 2 and 3. Learned Senior Counsel further submitted that the plea that Question No. 20 was vague and ambiguous was raised by the Appellant for the first time only in the e-mail dated 17.07.2026.

15. Learned Senior Counsel for Respondent Nos. 2 and 3 further submitted that the Post is reserved for PwBD candidates and that the Appellant's non-selection would not result in the Post being offered to a candidate from the general category, as the said Post would continue to be considered for another eligible PwBD candidate.

16. Learned Senior Counsel submitted that the communication dated 04.08.2026 is not a termination letter, but a disengagement letter pertaining to the present recruitment process for the Post. It was further submitted that, insofar as Respondent No. 2 is concerned, the Appellant would be at liberty to apply in the next recruitment cycle, subject to full disclosures and in accordance with the applicable terms and conditions.

17. We have heard learned Counsel for the Parties and perused the material placed on record.

18. The principal contention advanced on behalf of the Appellant is that Question No. 20 is vague and ambiguous and that, since the Appellant subsequently and voluntarily disclosed the FIRs in the Affidavit, no intention to suppress the FIRs can be attributed to him. It is, therefore,



submitted on behalf of the Appellant that the Respondents' action in preventing him from participating in the Training, pending completion of background verification, is arbitrary, mechanical and illegal.

19. We are unable to accept the aforesaid contention as the Appellant's submission proceeds on a dissection of Question No. 20, notwithstanding its object, which was to ascertain and verify the Appellant's character and antecedents and to assess his suitability for the Post. Question No. 20 specifically required the Appellant to disclose whether any criminal/disciplinary/vigilance case was pending or had ever been instituted against him. The reference to the Public Service Commission, University or any other educational authority in Question No. 20 appears in relation to whether the candidate had been barred or disqualified from appearing in its examinations. The question, therefore, cannot be construed as limiting the requirement of disclosure of a pending criminal case only to cases concerning a Public Service Commission, University or any other educational authority.

20. It is evident that, at the time of submitting the Application Form, criminal proceedings arising out of the FIRs were admittedly pending against the Appellant. The negative response furnished by the Appellant to Question No. 20 was, therefore, incorrect.

21. There is no cavil with the proposition of law laid down in **Avtar Singh** (*supra*). However, in the present case, Question No. 20 is clear and unambiguous and specifically seeks disclosure of the Appellant's criminal antecedents. The reliance placed on **Avtar Singh** (*supra*), therefore, does not advance the Appellant's case.



22. The Appellant was conscious of the FIRs during the recruitment process for the Post and, in fact, had obtained the Affidavit on 15.06.2026 itself, disclosing the pendency of the criminal proceedings arising out of the 2020-FIR. However, the Appellant did not submit the Affidavit until after the offer of appointment dated 08.07.2026 had been issued. We, therefore, find no merit in the submission advanced on behalf of the Appellant that the subsequent disclosure made in the Affidavit negates any suppression on his part.

23. The purpose of seeking information in the attestation form and requiring a declaration from the candidate is to ascertain and verify the candidate's character and antecedents, and to assess his suitability for entering or continuing in service. In the present case, despite being aware of the FIRs, the Appellant furnished a negative response to Question No. 20.

24. Accordingly, the learned Single Judge, *vide* the Impugned Order, has rightly observed that the subsequent disclosures made by the Appellant in the Attestation Form and by way of the Affidavit were admittedly made only after the Appellant had successfully completed the selection process, received the offer of appointment dated 08.07.2026, and reported for joining. The learned Single Judge further held that the legality of the Respondents' action must, therefore, be examined with reference to the declaration furnished in the Application Form and not based on disclosures made at a subsequent stage. We concur with the view taken by the learned Single Judge. Accordingly, the present Appeal deserve to be dismissed.

25. However, the withdrawal of the offer of appointment dated 08.07.2026, *vide* communication dated 04.08.2026 may have a bearing on the Appellant's future candidature in any recruitment process.



26. Accordingly, in view of the submission by the Respondents that the communication dated 04.08.2026 was not a termination letter, but a disengagement letter pertaining to the present recruitment process for the Post and the Appellant shall be entitled to apply to Respondent No. 2 itself in the next recruitment cycle, subject to full disclosures and in accordance with the applicable terms and conditions.

27. Accordingly, it is directed that the communication dated 04.08.2026, whereby the disengagement of the Appellant was communicated, shall not be construed as termination of his employment and shall not carry any stigma of termination. It is further directed that any future candidature of the Appellant before Respondent No. 2, or before any other employer or recruiting agency, shall be considered independently and on its own merits, in accordance with the terms and conditions governing the relevant recruitment process and the disclosures made by the Appellant therein, uninfluenced by the communication dated 04.08.2026 or any observations made hereinabove or in the Impugned Order.

28. The Appeal is dismissed along with the aforesaid directions. Pending applications, if any, also stand disposed of. There shall be no order as to costs.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

AUGUST 24, 2026/Hk