

JUDGMENT SHEET
LAHORE HIGH COURT, MULTAN BENCH,
MULTAN

JUDICIAL DEPARTMENT

W. P. No. 7157 / 2024

Muhammad Adeel

VERSUS

Province of Punjab & 03 others

JUDGMENT

Date of Hearing:	08.04.2025
Petitioner By:	Syed Athar Hassan Shah Bukhari, Advocate
Respondents By:	Ms. Samina Mehmood Rana, A.A.G. along with Iftikhar, DSP and Sajjad, ASI

ABID HUSSAIN CHATTHA, J: This Petition assails the act of the Respondents regarding non-issuance of appointment letter to the Petitioner.

2. The admitted facts of the case are that the Petitioner applied for recruitment against the post of Constable in the Police Department at District Muzaffargarh. He was declared successful and figured at Serial No. 32 of the merit list. Nevertheless, during the process of verification of antecedents, it was found that at the time of submission of application form, the Petitioner concealed the fact of registration of FIR No. 594 / 2022 dated 11.09.2022 under Sections 354, 148 and 149 of the P.P.C. against him at Police Station Shehar Sultan, District Muzaffargarh. Hence, the Respondents declined to issue him appointment letter.

3. It is the case of the Petitioner that he has been unlawfully declined appointment since he was declared innocent in Police investigation and later, discharged by the Magistrate vide Order dated 13.07.2023 in the said FIR. Further, Police Character Verification Certificate obtained by the Petitioner also mentions that the Petitioner has no criminal record till the date of filing of application. Therefore, the Petitioner was not required to disclose the registration of said FIR and his subsequent discharge in his application. Reliance is placed on cases titled “Umar Sheraz v. Govt. of Punjab etc.” (**2025 LHC 965**); “Syed Ali Raza Naqvi and others v. Chairman, PPSC and others” (**2024 PLC (C.S.) 826**); and “Syed Ali Hassan Naqvi v. Senior Superintendent of Police, etc.” (**PLJ 2024 Lahore (Note) 71**). Hence, the Respondents are required to issue appointment letter to the Petitioner.

4. Conversely, it is the case of the Respondents that although the Petitioner was placed in the merit list at Serial No. 32 yet during character verification of the Petitioner, he has been found involved in FIR No. 594 / 2022 dated 11.09.2022 which testified that he deliberately concealed this fact in his application form submitted on 23.02.2024 i.e. subsequent to the registration of said FIR in violation of terms of recruitment and clear cut directions of the competent authority / Inspector General of Police, Punjab contained in office memo Nos. SE-IV/7317-70/II dated 26.06.2014 and SE-III/11005-60/VI dated 01.06.2018. The aforesaid instructions are based on Rules 12.14 and 12.18 of the Police Rules, 1934 (the “**Rules**”) which provide that recruit shall be of good character, great care shall be taken in selecting men of type suitable for police service and that the character and suitability for enrollment of every recruit shall be ascertained. It is further contended that the superior Courts of the country in a number of judgments have endorsed the view point of the Police Department that the candidates to be recruited in disciplined Police force must have an unblemished character and antecedents in order to maintain high standards of service.

5. Record reflects that the terms of recruitment required the Petitioner as an applicant to submit application form which sought certain information with respect to his particulars and antecedents with emphasis on the character of the candidate. Column No. 16 of the application form required provision of references of two respectable persons to verify the particulars and character of the applicant. The application form ends with an Oath of the candidate as follows:-

”حلف نامہ:- میں حلفاً بیان کرتا / کرتی ہوں کہ مندرجہ بالا کوائف درست ہیں اور میں کسی قسم کے جرم یا تخریبی کارروائی میں کبھی گرفتار / چالان / سزا یافتہ یا ملوث نہ رہا ہوں۔ میں اپنی سابقہ ملازمت میں سزا یافتہ نہ ہوں اور باعزت طور پر ریٹائرڈ ہوا ہوں۔ نیز میں کسی خطرناک بیماری میں بھی مبتلا نہ ہوں۔“

(Emphasis supplied)

The terms of recruitment also required submission of an affidavit which in the case of the Petitioner was executed in the following terms:-

”1- میں حلفاً بیان کرتا ہوں کہ میں کسی قسم کی ایف آئی آر میں ملوث نہ ہوں۔ محکمہ کو اختیار ہو گا کہ اس ضمن میں غلط بیانی کی صورت میں مجھے پولیس میں بھرتی کے لیے نائل فرادرے کے قانونی کارروائی عمل میں لائی جائے۔
 2- اگر کسی بھی مرحلہ میں میری تعلیمی اسناد، ڈو میسکل، قوم شناختی کارڈ، ڈرائیونگ لائنس اور میڈیکل کی پڑتاں کے دوران یہ کاغذات جعلی، غیر تصدیق شدہ پائے گئے تو محکمہ کو اختیار ہو گا کہ میری بھرتی منسوخ کر دے اور حسب ضابطہ قانونی کارروائی عمل میں لائے۔
 3- میں حلفاً بیان کرتا ہوں کہ درخواست فارم میں میرے کوائف درست ہیں میں اپنی سابقہ ملازمت میں سزا یافتہ نہ ہوں اور باعزت طور پر ریٹائرڈ ہوا ہوں نیز میں کسی بھی انصباطی کارروائی، طبی بنیاد پر فوج سے برخاست یا ریٹائرڈ نہ ہوا ہوں۔“

(Emphasis supplied)

6. The collective reading of contents of the Oath contained in the application form and the affidavit submitted by the Petitioner makes it abundantly clear that purpose of the same is to seek correct and truthful information from the candidate regarding his particulars and antecedents to examine his suitability for appointment. Each word i.e. ‘arrested’, ‘charged’, ‘convicted’ or ‘involved’ appearing in the application form has distinct legal as well as ordinary dictionary connotation and unambiguously depict that the Petitioner was required to disclose the registered FIR(s) against him irrespective of the fact if the same is /are pending or he has been exonerated or discharged till the date of filing of the application form.

The affidavit was an instrument through which such information could have been accurately and completely disclosed and explained. The non-disclosure of the same would amount to concealment rendering the candidate unfit for recruitment.

7. Record further reflects that although FIR No. 594 / 2022 dated 11.09.2022 was registered against the Petitioner yet he was declared innocent in Police investigation and later discharged by the concerned Magistrate vide Order dated 13.07.2023, operative part whereof reads as under:-

“From the perusal of the police record, it transpires that the above named accused was arrested in this case on 12.07.2023, remained under custody for complete one day but during the course of investigation, no incriminating material or any type of recovery / connecting piece of evidence has been collected by the I.O. Perusal of the record further evinces that as per Case Dairy (Zimini) No. 06, dated 12.07.2023, the accused was found innocent by the I.O. of instant case during the course of investigation as having not been involved in the commission of instant offence; as such, the Investigating Officer has prepared instant discharge report of the accused. Prima-facie, no incriminating material is available against the present accused person to connect the above named accused person with the commission of alleged offence. In these circumstances of the case and in view of Case Dairy (Zimini) No.06, dated 12.07.2023, I hereby agree with this discharge report and the above named accused person is hereby discharged from this case. The I.O. is directed to set the above named accused person at liberty immediately in this case, if he is not required to be detained in any other criminal case. A copy of this order be sent to the Worthy District & Sessions Judge, Muzaffargarh.”

8. The order of discharge dated 13.07.2023 clearly depicts that the Petitioner was arrested in the referred FIR on 12.07.2023, remained in Police custody for complete one day and was also present before the Magistrate when he was discharged. Therefore, it is unequivocally established that the Petitioner deliberately and willfully concealed the said facts in the sworn affidavit. He could have conveniently disclosed the fact of registration of FIR and subsequent discharge by the Magistrate. If he had

disclosed this information accurately in his affidavit, he could have been considered for appointment against the applied post. However, the fact of registration of FIR was discovered by the Police Department upon scrutiny of antecedents which led the functionaries of the Department to decline his appointment.

9. The moot question which requires consideration is whether after exoneration or discharge of a candidate in registered FIR(s) against him before the date of application for recruitment, he is still liable for due disclosure of registration of such FIRs with respect to his appointment in the Police Department in terms of conditions of recruitment and applicable Rules. The same question has been addressed in great detail in the case of Umar Sheraz (supra), wherein, after examining the conditions of appointment, applicable Circulars and Rules of the Police Department, it has been held as follows:-

“20. The above reproduced relevant excerpts of the advertisement and affidavit show that the petitioner was required only to disclose about the detail of any criminal case either pending investigation or trial against him, therefore, the affidavit submitted by him appears to be in accordance with the requirement of the department and in compliance with the advertisement. Presently, no criminal case is registered or pending against the petitioner. The petitioner, in the given circumstances, was not obliged to disclose about his previous involvement in any criminal case, therefore, the non-mentioning about his previous involvement and also his subsequent acquittal, vide order / judgment dated 27.03.2015, by the learned trial Court, about 5 ¾ years, even prior to inviting of applications for recruitment, did not amount to any concealment, rendering him "unfit" for his recruitment. Even otherwise, the acquittal of the petitioner had neither been challenged by the Provincial Government nor by any aggrieved person alleging the same being illegal, perverse, capricious, resulting into miscarriage of justice and as such, the same had attained finality, perpetuating the presumption of double innocence in his favour, in a society, where false implication with ulterior motive is an open secret. Upon earning an acquittal of the charge by a court of competent jurisdiction, the slate containing the credentials of the petitioner had become free of any stigma / embellishment and the inherent innocence attached to him, as such, has become

doubled, particularly when his acquittal has already attained finality. Therefore, in a parliamentary form of the Government like ours, the Government is collectively responsible and accountable as well, therefore, the Government cannot be allowed to blow hot through its one department and cold by the other in the same breathe by sitting over the judgment passed by a court of competent jurisdiction to circumvent and contravene the judicial verdict by issuing any instruction, letter, order, circular, memo or through any of its other action to the prejudice of the constitutionally guaranteed fundamental rights under Part-11, Chapter 1 (Fundamental Rights) of the Constitution of the Islamic Republic of Pakistan, 1973 of an individual citizen / petitioner.”

10. Notwithstanding the fact that the above referred judgment is squarely applicable to the case of the Petitioner yet the same is not in harmony to the observations of the Supreme Court of Pakistan in case titled, “Zeeshan Ahmad v. Govt. of Punjab through Inspector General of Police, Punjab, Lahore and others” (**Civil Petition No. 4709 / 2019**) decided on 01.11.2022. In the said case, issue before the Supreme Court was precisely that the Petitioner therein had not disclosed the fact of registration of a criminal case against him while applying for recruitment in the Police Department. In this context, it was held that it was incumbent upon the candidate to correctly disclose the solicited facts, including that a criminal case was registered against him and that it was immaterial that he was subsequently acquitted in the said case. It was further observed that if the true facts had been disclosed, the candidate may have been selected and appointed, provided he fulfilled the stated criteria and attained the requisite marks, as such, by suppressing information and having been found out, the Petitioner has no one to blame but himself. For reference also see cases titled, “Abdul Manan v. Provincial Police Officer and 2 others” (**2017 PLC (C.S.) 862**); and “Ali Hamza v. Government of Punjab and others” (**2018 PLC (C.S.) 1103**).

11. The case of Syed Ali Hassan Naqvi (supra) relied upon by learned counsel or the Petitioner is also based on the same principle, however, the Petitioner therein was provided relief by distinguishing the

case of Zeeshan Ahmad (supra) since therein FIR was lodged against the candidate after the date of submission of application form and as such, it was held that he could not be disqualified on account of concealment of the fact which did not exist on the date of filing of application form. Similarly, the case of Syed Ali Raza Naqvi (supra) relied upon by learned counsel for the Petitioner does not address the question of concealment, rather, opines that the involvement of successful candidate in a criminal case is subject to scrutiny by the competent authority by exercising lawful discretion.

12. This Court is mindful of the fact that it can still be argued that in the case of Zeeshan Ahmad (supra), the exoneration did not culminate on the date of application and therefore, the case of Umar Sheraz (supra) is still applicable. This ambiguity has been aptly answered in case titled, “Rizwana Altaf v. Chief Justice, High Court of Sindh through Registrar” (**2020 SCMR 1401**), wherein, the Supreme Court of Pakistan has importantly observed as under:-

“8. Even while applying for the post of Civil Judge and Judicial Magistrate, the petitioner neither disclosed to the High Court that she was in the service of Education Department nor she disclosed to the Education department, that she needs NOC for applying for the post of Civil Judge and Judicial Magistrate. The only reason which the petitioner disclosed in her resignation tendered to the Education Department was her domestic engagement. From the contents of her application tendered in the High Court for seeking employment as Civil Judge and Judicial Magistrate, it is apparent that she represented that she is a practicing advocate which fact does not reconcile with her occupation as a fulltime Primary School Teacher of the Education Department right from 11.08.2008 to 02.06.2016. Now in these proceedings, she has taken the stance that being a civil servant, she was otherwise eligible to be employed as a judge in the district judiciary which fact she deliberately concealed in her application though it was specifically asked to be disclosed. The facts reflected from the record made available by the petitioner herself were sufficient to dispense her services by invoking Rule 9(2) of the Sindh Judicial Service Rules, 1994, as such, a person cannot be given the important post of a judge when the basis of seeking enrolment as High Court advocate as well as appointment as Civil Judge and

Judicial Magistrate was tainted with concealment and misrepresentation.

9. *The fact that in the past, some irregularities in the appointment of some other civil judges have taken place in the past would obviously not be made basis to invoke the principle of discrimination. When the record reflects that the services of a probationer could be dispensed with on the basis of undeniable material then no inquiry is required to be conducted. When there is some sound reason in the mind of the competent authority that an employee who is serving in his or her probationary period is not suitable to be given permanent employment and his or her services need to be dispensed with then it matters not if the competent authority expresses such reason without conducting a regular inquiry.....”*

13. It follows from the above analysis that real issue is not regarding innocence or honorable exoneration of the Petitioner or that if he does or does not hold criminal record, rather, it is regarding deliberate and willful concealment of material information solicited by the Police Department as prerequisite for taking part in the recruitment process. Such concealment is viewed as a conscious act on the part of the Petitioner with the intention to effectively escape scrutiny regarding suitability to appointment. The solicited facts do not entail automatic disqualification but only allows the Department to examine the suitability of a candidate although it may lead to disqualification. It is not uncommon for various departments or institutions to solicit certain information in order to process a particular assignment. A few examples may illustrate the point. For instance, while processing VISA applications, typical questions are designed to solicit information from a prospective applicant, such as, if previous passport has been lost; if VISA has been earlier refused; if so, on what grounds; if involved in criminal activities in the past; and how the applicant demonstrates his financial capacity to meet living and travel expenses abroad. The rationale is to assess the suitability of the applicant as a tourist and in case of concealment or provision of incorrect facts, it becomes a ground for refusal to grant VISA. Similarly, for appearing in

examinations, questions are asked qua particulars of candidates in terms of applicable rules and if the provided information is concealed, the right of appearance can be declined. Same is the case for issuance of passport and CNIC. In other words, for processing a particular task, certain information is required to be provided based on applicable criteria within the ambit of applicable law deemed necessary to process the task or assess the suitability or otherwise of the claim or right. The grant or refusal of such claim or right is dependent on the solicited information. Therefore, if such material information is deliberately and willfully wrongly or incorrectly provided or suppressed by its non-provision and it is accordingly discovered by the concerned quarter at the time of processing the task or subsequently, the claim or right can be denied and even if initially granted, can be withdrawn later.

14. Likewise, recruitment to a particular post is not a vested right of an individual. It is subject to eligibility as per terms and conditions of recruitment set by the competent authority in accordance with law based on peculiar needs and requirements with respect to particular employment. Therefore, any action in furtherance of such settled terms and conditions cannot be construed as an infringement of fundamental rights guaranteed under the Constitution of the Islamic Republic of Pakistan, 1973. Hence, if the terms of recruitment seek provision of mandatory information and the same is withheld or falsely provided, the applicant may validly be disqualified for consideration in that recruitment process although he may have successfully sailed through the recruitment process. However, it is importantly noted that if a candidate has accurately and completely disclosed solicited information regarding criminal cases against him, he cannot be automatically disqualified from the recruitment process for the reason that mere registration of criminal case or existence of past criminal record may not be an impediment to take part in the recruitment process, however, in event of being successful, the competent authority may assess the suitability of the successful candidates depending upon the facts and

circumstances of each case by structuring discretion based upon judicially recognized and established sound principles of justice, fair play and equity.

15. It follows from the above that the Petitioner actively concealed information which was required to be provided to the Police Department at the time of submission of his application form and affidavit qua recruitment for the post of Constable, therefore, act of refusal of the Respondents to issue appointment letter to the Petitioner is in consonance with the terms of recruitment. Hence, the titled Petition is devoid of any merit and the same is **dismissed**, accordingly,

(ABID HUSSAIN CHATTHA)
Judge

Approved for reporting.

Judge

Waqar