



NON-REPORTABLE

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

CIVIL APPEAL NO. 196 OF 2026

(Arising out of Special Leave Petition(C) No.20292 of 2025)

STATE OF U.P. & ANOTHER ... APPELLANT(S)

VERSUS

DINESH KUMAR ... RESPONDENT(S)

ORDER

Leave Granted.

2. The State of Uttar Pradesh is in appeal against the judgment and order of the High Court of Judicature at Allahabad in Special Appeal No. 69 of 2025 passed by the Division Bench on 22nd May 2025, affirming the order of learned Single Judge in Writ A. No.817 of 2024 which had been preferred by the respondent when the appellant(s) herein cancelled his appointment as Sahayak Samiksha Adhikari. The learned Single Judge had allowed the application *vide* judgment dated 5th November 2024.

3. In short, the facts are that the Uttar Pradesh Public Service Commission issued an advertisement dated 5th March 2021 notifying the examination for recruitment of Samiksha Adhikari/Sahayak Samiksha Adhikari. The respondent was selected therein and pursuant to such a selection he was asked to furnish an attestation form and subsequently a verification form also. In both forms, particular questions have been put to the applicant whether *there were any criminal cases pending against them*. In both instances, the respondent had answered in the negative. The attestation form is Annexure P1 of the record and the verification form is Annexure P2. In actuality, there were two cases pending against him being Case Crime No.198 of 2019 under Section 147, 323, 504, 506 and 325 of Indian Penal Code,¹ and Case Crime No.215 of 2018 under Section(s) 354D of IPC and Section 12 of Protection of Children from Sexual Offences Act, 2012.

4. This fact of pending criminal proceedings against the respondent came to the fore in two ways. The appellant(s) had asked the concerned Superintendent of Police for character verification wherein such fact was discovered and as such, opinion from the learned District Magistrate was sought as to the suitability of him being appointed. The said Authority held

¹ Hereinafter referred to as 'IPC'

him to be suitable. On the other hand, according to the respondent, unaware of the verification proceedings, on his own volition he filed an affidavit clarifying the position and declaring the pendency of two cases against him.

5. Consequent to such fact being admitted/discovered, the appellant(s) moved to cancel his appointment which has led to the present proceedings. The Single Judge allowed the writ petition against cancellation taking note of the facts that the District Magistrate had found no legal impediment in his appointment; he had not been charge-sheeted in the offences alleged against him; mere non-disclosure is not always fatal; he has been acquitted in the other case; and also he had himself, albeit subsequently, disclosed the cases against him. The Division Bench upheld these findings, calling the undisclosed information '*of trivial nature*'.

6. Proper and complete disclosure in applications for government employment is not a simple procedural formality, but a *basic* requirement rooted in fairness, integrity, and public trust. Government posts attract hundreds, and often thousands, of applicants for a single vacancy, each competing under the same stated conditions, scrupulous vetting of every candidate becomes imperative and essential to ensure a level playing field and to protect the credibility of the selection process. When an applicant withholds information about criminal antecedents, it

undermines this process by depriving the appointing authority of the opportunity to make a fully informed assessment of suitability. While the law recognizes that non-disclosure, depending on the nature of the offence and surrounding circumstances, may not invariably be fatal to a candidature, it nevertheless remains a serious lapse. The gravity is significantly compounded when the non-disclosure is repeated, as it ceases to be accidental or inadvertent and instead reflects deliberate concealment. Such strikes at the core of trust reposed in candidates for public service, where honesty and transparency are indispensable attributes, and justify a far stricter view by the authorities.

7. We notice that both, the attestation form as also the verification form extracted hereunder, furnish a disclaimer in the following terms:

“1. Giving any false information in this application or concealing any material information will be treated as disqualification and may render the candidate unfit for Government service.”

... ..

“Disclaimer

2. Furnishing of false information in the verification form or suppression of any material information will be punishable and the candidate will be ineligible for employment under the Government. After completing and submitting this form, if the candidate is detained, arrested or convicted of any illegal act, fined, deported or acquitted of a crime etc, the same should be immediately sent to the authorities to whom the verification form was submitted earlier, failing which it will be treated as suppression of material information.

3. If, any person is found to have concealed any factual

information or submitted incorrect information in the verification form at any time during his service period, his tenure is liable to be terminated.

...
...”

...

8. Despite this clear stipulation as extracted *supra* the respondent submitted otherwise than the truth which was that there were cases pending against him. The acquittal/dropping of proceedings against him were subsequent developments and at the time of filling up of the forms the investigation in the case was active so also at the time of the affidavit. Since the disclaimer makes it clear that concealment of information would render the applicant ineligible/unfit for government service, what is the *clincher* is the status of the cases as disclosed at the time of filing of the forms. It cannot be disputed that at the relevant time, he submitted incorrect and false information.

9. In urging this Court to look at circumstances in his favour in accordance with ***Avtar Singh v Union of India***² and ***Ravindra Kumar v. State of U.P.***³, he points out *inter-alia* his age which is approximately 45, the fact that he gave the affidavit prior to initiation of cancellation of appointment proceedings, the District Magistrate has placed on record his fitness for appointment. We are of the considered view that

² (2016) 8 SCC 471

³ (2024) 5 SCC 264

none of these factors would justify overlooking the fact that at the relevant point in time he concealed the information. There is a maxim in law to the effect that '*juda lex sed lex*' which means the law may be harsh, but the law is law. The factum that he said '*no*' to pending proceedings against him not once but twice, shows demonstrated mal-intent and is in direct contravention of the disclaimer(s) given in the forms. Subsequent acquittal or the fact that he attempted to come clean about the suppression of facts cannot accrue to his benefit.

10. It is also settled position in law that sympathy cannot supplant law. As such, while we acknowledge that loss of a government job is not an easy loss to come to terms with, at the same time awareness of consequences is a necessary component of actions. The Appeal is allowed.

Pending application(s), if any, shall stand disposed of.

.....J.
(SANJAY KAROL)

.....J.
(NONGMEIKAPAM KOTISWAR SINGH)

New Delhi
January 12, 2026