

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20946 of 2013

Utpal Kant Prasad Verma S/O Laldhari Verma R/O Village Lai, P.S. Bihta,
District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The D.G. cum I.G. of Police, Bihar, Patna.
3. The D.I.G. of Police B.M.P. Central Zone, Patna.
4. The Commandant B.M.P. 14, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Parashuram Singh, Advocate
For the Respondent/s : Mr. Sushil Kumar Singh, AC to AAG-10

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

C.A.V. JUDGMENT

Date : 21-11-2025

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has filed the instant application for
the following relief(s):

*“That this is an application for issuance
of appropriate writ order or direction to the
respondents to set aside the order of dismissal passed
by the Commandant B.M.P.-14 Patna(Annexure-10)
dated 25.8.2011 and to set aside order of D.I.G. of
Police, B.M.P. Central Zone, Patna (Annexure-11)
dated 29.2.2012 and to set aside order of D.G. of
Police, Bihar Patna and for grant of all consequential
benefits.”*

3. The case of the petitioner in brief is that the



respondents having come out with an Advertisement no.1 of 2004 for appointment on the post of Constable, the petitioner filed his application. Subsequently, he was made an accused in an FIR being Bihta P.S. Case no.301 of 2005 registered under sections 379, 323, 341, 336, 452, 147, 148, 149 and 504 of the Indian Penal Code wherein after investigation, chargesheet was submitted and cognizance taken under section 307 and other sections of the Indian Penal Code.

4. It is submitted by learned counsel for the petitioner that subsequently while filling the form for character verification, the petitioner enquired as to whether he was required to disclose about the said case/FIR and was told that he was not required to disclose the same as the FIR has been registered subsequent to filling his application for appointment. The petitioner did not disclose about the pendency of the criminal case.

5. The respondents by order contained in Annexure-3 was pleased to dismiss the petitioner on the ground of his having suppressed the fact of pendency of the criminal case. The petitioner challenged the order of his dismissal dated 3.10.2007 by filing an appeal before the D.I.G. of Police, BMP (C) Zone, Bihar which was also rejected vide order dated 25.8.2011. The



memorial preferred by the petitioner was rejected vide order dated 29.2.2012 by the Director General of Police, Bihar.

6. It is against this order of dismissal dated 3.10.2007, the order rejecting the appeal dated 25.8.2011 and the order dated 29.2.2012 rejecting the memorial filed by the petitioner that the instant application has been filed.

7. It is submitted by learned counsel for the petitioner that though it is not in dispute that the petitioner was knowing about the pendency of the criminal case on the date he filled up his character verification certificate, however, the F.I.R. not having been registered prior to his filling the application for appointment, he was under the impression that he was not required to disclose the same. Further referring to the judgments of the Hon'ble Supreme Court in the case of **Commissioner of Police and Others vs. Sandeep Kumar, (2011) 4 SCC 644; Ram Kumar vs. State of Uttar Pradesh and Others, (2011) 14 SCC 709; and Pramod Singh Kirar vs. State of Madhya Pradesh & Ors., 2023 (1) PLJR 26 (SC)**, it was submitted that the criminal case was over a trivial dispute which finally ended in acquittal of the petitioner. Further, the suppression was not such as to warrant the extreme punishment of dismissal from service by the respondents.



8. The application is opposed by learned counsel for the respondents. It is submitted that the facts not in dispute are that at the time of his appointment and filling up of the character verification certificate in the year 2007, the petitioner was aware about the pendency of the criminal case, the FIR being Bihta P.S. Case no.301 of 2005, but he suppressed the same. It was on the fact of pendency of the criminal case transpiring in course of the character verification that the order of dismissal was passed. Learned counsel submits that there is no illegality in the order of dismissal nor in the order rejecting the appeal and the memorial filed by the petitioner. The judgments relied on by learned counsel for the petitioner are distinguishable and of no assistance to the petitioner in the facts of this case. Learned counsel for the respondents placed reliance on the judgments in the case of **Avtar Singh vs. Union of India & Ors., (2016) 8 SCC 471; Rajasthan Rajya Vidyut Prasaran Nigam Limited v. Anil Kanwariya, (2021) 10 SCC 136; and Union of India & Ors. vs. Dillip Kumar Mallick, (2023) 12 SCC 331.**

9. Heard learned counsel for the petitioner and learned counsel for the respondents. Perused the material on record.



10. On the respondents having come out with an Advertisement no.1 of 2004 for appointment on the post of Constable, the petitioner applied along with others and the petitioner was selected.

11. It may be mentioned here that subsequent to the petitioner filed his application in the year 2005, the petitioner came to be made an accused in an FIR being Bihta P.S. Case no.301 of 2005 registered under different sections of the Indian Penal Code, however, wherein on investigation, chargesheet was submitted under section 307 and other sections of the Indian Penal Code. The allegation against the petitioner was to the effect that he abused and assaulted the informant with the butt end of the pistol on the informant's head causing injuries.

12. It may be stated here itself that though cognizance was taken and charges framed against the petitioner and others, the trial ended in acquittal of the petitioner by judgment dated 29.5.2009 passed in Sessions Trial no.1040 of 2008.

13. After his appointment, the petitioner was asked to fill up his character verification certificate which was sent for the verification. The petitioner suppressed the information with respect to pendency of the criminal case/FIR which came to



light in the verification conducted by the respondents. The discovery of the pendency of criminal case lead to the respondents passing the order of dismissal.

14. Referring to the different judgments of the Hon'ble Supreme Court as stated herein above, the petitioner submitted that non disclosure of the pendency of the criminal case was for the reason that the petitioner was under the impression that criminal case which was pending at the time of filling up the application form only had to be disclosed. Further, the suppression which was more out of fear was not such as to warrant dismissal from service.

15. In the case of *Commissioner of Police and Others vs. Sandeep Kumar, (2011) 4 SCC 644*, the Hon'ble Supreme Court held that non disclosure of being involved in a criminal case under section 325/34 of the Indian Penal Code was probably out of fear that if he did so he would automatically be disqualified. The Hon'ble Supreme Court observed that it was not such a serious offence like murder, dacoity or rape, and hence a more lenient view should be taken in the matter.

16. In the case of *Ram Kumar vs. State of Uttar Pradesh and Others, (2011) 14 SCC 709*, the Hon'ble Supreme Court observed that the order dated 18.7.2002 of the Additional



Chief Judicial Magistrate had been sent along with the report dated 15.1.2007 of the concerned police station to the Senior Superintendent of Police, Ghaziabad. However, it appeared that the Senior Superintendent of Police, Ghaziabad has not gone into the question as to whether the appellant was suitable for appointment on the post of Constable or not. He only proceeded on the ground that the selection of the appellant was illegal and irregular because he did not furnish in his affidavit in the proforma of verification roll that a criminal case has been registered against him. Challenge by the appellant was allowed by the Hon'ble Supreme Court and it was directed that the appellant be taken back in service.

17. In the case of *Pramod Singh Kirar vs. State of Madhya Pradesh & Ors., 2023 (1) PLJR 26 (SC)*, the Hon'ble Supreme Court was dealing with the case of the appellant who was made accused in a criminal case under section 498A of the Indian Penal Code. The Hon'ble Supreme Court held that the incident was of the year 2001 under section 498A of the Indian Penal Code and which had resulted in acquittal of the appellant in the year 2006. It was much later in the year 2013/2014 that the petitioner had applied for appointment. The Hon'ble Supreme Court directed the respondents to appoint the appellant



on the post of Constable as otherwise he was found to be meritorious and eligible for the said post.

18. It may be observed here that **Rule 673(c)** of the **Bihar Police Manual** provides for the enlistment orders. The same is reproduced herein below for ready reference:

“(c) Enlistment orders.- The order for enlistments shall then be entered in the order book, the service book shall be prepared and the verification roll despatched to the Superintendent of the district in which the recruits home is situated. The number and date of despatch shall be noted in the proper place in the service-book, and on the return of the roll with a report that the man bears a good character and has made a truthful statement as to his antecedents, the Superintendent shall initial this entry, have the necessary entry made in the service-book and order the verification roll to be filed. If the character of the man is reported to be bad or his statement false, he shall be removed from the force.” (Emphasis supplied)

19. On perusal of Rule 673(c), it would transpire that after having the necessary entries made in the service book, the Superintendent of the district has to order the verification roll to be filed. The Rules specifically provides that if the character of the person is reported to be bad or his statement false, he shall be removed from the force.

20. From the facts stated herein above, it is evident



that on verification of the character certificate of the petitioner, the statement of the petitioner by way of suppressing the criminal case pending against him was discovered to be false and as such, the petitioner was rightly dismissed/removed from service. The respondents having followed the specific Rule 673 of the Bihar Police Manual, the Court finds no illegality in the orders of the respondents.

21. In the facts of the case, the judgments relied upon by learned counsel for the petitioner is of no assistance to the petitioner. The petitioner has not made out any case for interference in the orders impugned by this Court. The Court finds no merit in the instant application.

22. The application is dismissed.

(Partha Sarthy, J)

Saurabh/-

AFR/NAFR	NAFR
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