FEDERAL CONSTITUTIONAL COURT OF PAKISTAN
(Original/Appellate/Advisory/Review Jurisdiction)

Present:
JUSTICE AMIN-UD-DIN KHAN, CHIEF JUSTICE
JUSTICE ALI BAQAR NAJAFI

C.P.L.A.2930/2025
[against the judgment dated 22.05.2025 passed by the Lahore High Court, Multan Bench, Multan in I.C.A.79/2025]

Abdul Latif ***...Petitioner***

Versus

Inspector General of Police and others ***...Respondent(s)***

For the Petitioner	:	Mr. Junaid Jabbar Khan, ASC Syed Rifaqat Hussain Shah, AOR
For the Respondents	:	Mr. Wasim Mumtaz Malik, Addl. AG Mr. Abdul Hayee, DSP (Inv)
Research Assistance by	:	Dr. Muhammad Mumtaz, *Research Officer*
Date of Hearing	:	16.10.2026

JUDGMENT

AMIN-UD-DIN KHAN, CJ.- The instant petition, originally filed before the Supreme Court of Pakistan under Article 185(3) of the Constitution of the Islamic Republic of Pakistan, 1973 (the Constitution), seeks leave to appeal against the judgment dated 22.05.2025 passed by the learned Division Bench of the Lahore High Court, Multan Bench, dismissing Intra-Court Appeal 79/2025. Pursuant to the Constitution (Twenty-seventh Amendment) Act, 2025, the matter stood transferred to this Court for adjudication in accordance with law.

2. Briefly stated, the petitioner, having secured second position in the merit list for the post of Driver Constable, was denied appointment on account of his previous involvement in a criminal case, notwithstanding his acquittal vide judgment dated 11.10.2018 and subsequent issuance of police character certificates reflecting no criminal record. His representation was rejected by the competent authority on 02.09.2024, whereafter his

writ petition and subsequent Intra-Court Appeal were dismissed by the learned High Court vide judgments dated 10.04.2025 and 22.05.2025, respectively. Hence, the instant petition for leave to appeal.

3. We have heard the learned counsel for the parties and examined the material available on record.

4. The pivotal question arising for judicial determination is whether the antecedent registration of a criminal case, culminating in the candidate's acquittal by a court of competent jurisdiction prior to the commencement of recruitment proceedings, could ipso jure constitute a subsisting disqualification warranting his exclusion from appointment as Driver Constable. The controversy further necessitates a purposive and constitutionally harmonious construction of the Police Rules, 1934, particularly the permissible contours of administrative discretion in assessing the character and suitability of prospective recruits. The essential consideration is whether an antecedent criminal accusation, notwithstanding its judicial culmination in acquittal, could lawfully be perpetuated as an enduring impediment to public employment despite the candidate's successful selection on merit. Such determination must necessarily conform to the constitutional imperatives of legality, equality, procedural fairness and non-arbitrariness, for statutory discretion, however extensive, cannot be construed as conferring an unfettered authority to engraft disqualifications upon the governing legal framework which the law itself does not contemplate.

5. At the outset, a fundamental distinction must be maintained between the mere registration of an FIR and judicially established culpability. An FIR is merely an accusatory instrument and constitutes neither proof nor presumption of guilt. Once an accused has been acquitted by a competent court, the appointing authority cannot disregard such adjudication or treat the underlying accusation as established misconduct. Although the authority retains discretion to assess a candidate’s antecedents and suitability, such discretion must be exercised bona fide, on objectively verifiable material and strictly in accordance with law.

Mere involvement in a criminal case, followed by acquittal, cannot, in the absence of independently established adverse material, constitute a perpetual disqualification from public employment. Any contrary approach would substitute administrative suspicion for judicial determination, offending the constitutional principles of legality, fairness and equal protection of law. This Court has already enunciated and affirmed the same principle in CPLA Nos. 51-L/2018 and 2007-L/2019, wherein the legal implications of antecedent criminal involvement and subsequent acquittal were considered.

6. The Police Rules, 1934, govern recruitment, appointment and antecedent verification within the Police Department. Rule 12.18[1] thereof must be construed in harmony with the statutory scheme and constitutional principles of legality, fairness and non-arbitrariness. While antecedent verification serves the legitimate objective of maintaining the integrity and discipline of the police force, such authority cannot be extended to impose disqualifications beyond those contemplated by law. Mere involvement in a criminal case, culminating in acquittal prior to recruitment, cannot, ipso facto, constitute a perpetual disqualification from public employment. Any contrary interpretation would impermissibly enlarge the scope of Rule 12.18 and substitute administrative suspicion for judicial determination, contrary to the maxim *expressum facit cessare tacitum*. Administrative discretion must, therefore, remain confined to its statutory purpose and be exercised upon legally sustainable grounds.

7. The authority to scrutinize antecedents must be exercised bona fide, judiciously and upon objectively verifiable material. A distinction must be maintained between eligibility, suitability and disqualification, as discretion to assess suitability cannot be extended to impose disqualifications not contemplated by law. Although the Police Department may legitimately insist upon stringent standards of integrity, such discretion must remain

[1] (The Police Rules, 1934, Vol. II, Chapter XII ("Appointments and Enrolments"), Rule 12.18, titled "Recruits—Verification of character of", particularly sub-rules (1) and (3), prescribing verification of a recruit's character and suitability for enrolment and provisional enrolment pending verification.)

secundum legem and conform to constitutional principles of fairness and non-arbitrariness. Mere registration of an FIR, followed by judicial acquittal, cannot ipso facto establish unsuitability absent independent adverse material. Any contrary determination would constitute an arbitrary exercise of discretion, amenable to constitutional scrutiny.

8. Adverting to the peculiar facts of the present case, the petitioner's acquittal had attained finality approximately four years prior to the commencement of recruitment proceedings, leaving no subsisting conviction or pending criminal prosecution against him. Moreover, the subsequent character verification certificates issued by the Police Department itself disclosed no criminal record. In such circumstances, the appointing authority was legally obligated to undertake an objective appraisal of the judgment of acquittal, relevant antecedents and other material bearing upon the petitioner's suitability. The mechanical invocation of an antecedent FIR, without independent evaluation of its judicial culmination or any cogent adverse material, manifestly betrays non-application of mind and constitutes an arbitrary exercise of statutory discretion. Such an administrative determination, founded upon an extinguished criminal accusation rather than legally sustainable considerations, cannot withstand judicial scrutiny.

9. The constitutional legitimacy of the impugned administrative action must be examined in the light of Articles 4, 10A, 18 and 25 of the Constitution[2], which collectively embody the imperatives of legality, due process, equality before law and protection against arbitrary exclusion from lawful employment. Article 4 mandates that every exercise of executive authority must remain intra vires, founded upon relevant considerations and exercised strictly in accordance with law, whereas Article 25 proscribes discriminatory treatment lacking an intelligible differentia and rational nexus with a legitimate statutory objective. Equally, Article 18, though not conferring an indefeasible right to public appointment, protects eligible citizens against arbitrary impediments to lawful

[2] (The Constitution of the Islamic Republic of Pakistan, 1973, Articles 4 (right to be dealt with in accordance with law), 10A (right to fair trial and due process), 18 (freedom of trade, business or profession) and 25 (equality of citizens and equal protection of law).)

employment. Article 10A, read with the settled principles of natural justice, further reinforces the obligation of procedural fairness where an administrative determination adversely affects legally protected interests. The respondents, having disregarded the petitioner's antecedent judicial acquittal and subsequent official verification, could not lawfully equate his position with that of a convicted person or exclude him from consideration upon an unsubstantiated presumption of culpability. Such exclusion, particularly without affording a meaningful opportunity of hearing and recording cogent reasons, constitutes a manifestly arbitrary exercise of statutory discretion, offending the constitutional guarantees of fair treatment and equal protection of law. The principle of audi alteram partem is not a mere procedural embellishment but an indispensable safeguard against administrative arbitrariness. Consequently, the impugned determination, being founded upon an irrelevant consideration and disregard of material evidence, cannot be sustained within the constitutional framework.

10. An acquittal by a competent court cannot be rendered ineffective through an administrative determination founded upon the same unproved allegations. Although acquittal does not confer an indefeasible right to public appointment, it precludes treating the acquitted person as criminally culpable without an independent lawful basis. In the instant case, the petitioner’s acquittal vide judgment dated 11.10.2018 constituted material evidence warranting due consideration. The respondents could not, under the guise of assessing suitability, revive an unsubstantiated accusation as a ground of disqualification absent independently established adverse material. Such exercise of discretion reflects non-application of mind and renders the impugned action arbitrary and legally unsustainable.

11. The Police Character Verification Certificates dated 13.10.2022 and 13.02.2024, issued by the District Police Officer, Dera Ghazi Khan, constitute material official evidence which could not be disregarded without cogent reasons or contrary admissible material. The respondents could not arbitrarily depart from their

own verification certifying the absence of any criminal record. Moreover, the petitioner's placement at Serial No. 2 on the merit list, though not conferring an indefeasible right to appointment, entitled him to fair consideration in accordance with the prescribed recruitment criteria. His subsequent exclusion, absent any independently established disqualification or lawful justification, reflects non-application of mind and arbitrary exercise of discretion, rendering the impugned action legally unsustainable.

12. The impugned action also attracts the doctrine of malice in law, which arises where statutory discretion is exercised for an unauthorized purpose, upon extraneous considerations or in disregard of material facts, irrespective of personal animosity. In the instant case, the respondents' mechanical reliance upon a concluded criminal prosecution, despite the petitioner's acquittal and subsequent official character verification, without establishing any independent ground of disqualification, constitutes a legally misconceived exercise of authority. Such action, being vitiated by non-application of mind, irrelevant considerations and arbitrariness, bears the attributes of malice in law and is legally unsustainable.

13. The constitutional imperatives of justice, fairness and non-arbitrariness find further reinforcement in the Islamic injunctions embodied in Articles 2A and 227 of the Constitution.[3] The Holy Qur'an, in Surah Al-Hujurat (49:6), enjoins verification of information before acting thereupon to the prejudice of another, while Surah An-Nisa (4:58) and Surah Al-Ma'idah (5:8)[4] emphasize the inviolable obligation to dispense justice with impartiality and without prejudice. The same jurisprudential ethos permeates the Prophetic traditions concerning the burden of proof and the avoidance of unfounded suspicion, as recorded in Sahih Muslim and Sahih al-Bukhari.[5] These injunctions underscore the

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[3] (Constitution of the Islamic Republic of Pakistan, 1973, Arts. 2A and 227. Article 2A incorporates the Objectives Resolution as a substantive part of the Constitution, whereas Article 227(1) requires that all existing laws be brought into conformity with the Injunctions of Islam, as laid down in the Holy Qur'an and Sunnah, and that no law be enacted which is repugnant to such Injunctions.).

[4] (The Holy Qur'an, Surah Al-Hujurat (49:6) (verification of information before causing harm); Surah An-Nisa (4:58) (faithful discharge of trusts and administration of justice); and Surah Al-Ma'idah (5:8) (impartiality and adherence to justice).)

[5] (Sahih Muslim, Hadith No. 1711a; Sahih al-Bukhari, Hadith No. 6064.).

fundamental principle that adverse legal consequences must emanate from established facts and lawful determination, not conjecture, suspicion or unsubstantiated imputation. Consequently, the perpetuation of an adverse presumption of criminal culpability against a person already acquitted by a competent court, without independently established material, is irreconcilable with these principles of justice and the constitutional obligation of fair treatment. The legitimate prerogative of the State to scrutinize the character and antecedents of prospective public servants must, therefore, be exercised upon verified material and within the confines of law, rather than upon an enduring presumption of guilt arising from a judicially concluded accusation.

14. The foregoing principles find persuasive support in Avtar Singh case[6], wherein the Supreme Court of India emphasized that assessment of criminal antecedents must be objective, individualized and informed by the nature of allegations, circumstances of acquittal and requirements of the post. Similarly European Court of Human Rights held in Allen case[7] that;

> "The Grand Chamber held that the presumption of innocence continues to protect an acquitted person against subsequent official treatment implying criminal guilt. A final acquittal must be respected in subsequent proceedings sufficiently connected with the criminal case. The Court nevertheless found no violation on the particular facts".

Although not binding within our jurisdiction, these pronouncements reinforce the principle that antecedent verification cannot justify mechanical exclusion merely on account of prior criminal proceedings. The appointing authority must exercise its discretion judiciously, upon relevant material and through a reasoned determination rather than an inflexible presumption of unsuitability.

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[6] (Avtar Singh v. Union of India and others, (2016) 8 SCC 471, particularly paras. 26–27 and 38 (requiring objective assessment of criminal antecedents and reasonable exercise of employer's discretion);) and Ram Kumar case (Ram Kumar v. State of Uttar Pradesh and others, AIR 2011 SC 2903 (emphasizing due consideration of the circumstances of acquittal before determining suitability for police recruitment).)

[7] Allen v. the United Kingdom [GC], Application No. 25424/09, judgment dated 12 July 2013. Relevant paragraphs: 94, 102–104.

15. A perusal of the affidavit furnished by the petitioner reveals that the declaration was expressly confined to his present involvement in any criminal case and did not extend to previous criminal proceedings already culminating in acquittal. Admittedly, the petitioner stood acquitted vide judgment dated 11.10.2018, approximately four years prior to the recruitment process. Such acquittal, having attained finality, absolved him of criminal culpability, and the mere registration of an antecedent FIR could neither perpetuate a stigma nor constitute an independent ground of disqualification. In the absence of any express requirement to disclose past proceedings ending in acquittal, the petitioner's declaration could not be construed as concealment or misrepresentation. The learned High Court, by equating past implication with present criminal involvement, misconstrued the scope of the affidavit and overlooked the legal consequences of acquittal. Consequently, the petitioner's exclusion from consideration for appointment as Driver Constable on such basis was legally unsustainable and offended the constitutional guarantees enshrined in Articles 4 and 25 of the Constitution.

16. The learned High Court, while exercising constitutional jurisdiction, failed to appreciate these jurisdictional and legal infirmities and erroneously sustained an administrative determination founded upon non-application of mind and disregard of material circumstances. The impugned judgment thus suffers from material misdirection in law and failure to exercise judicial review in accordance with its settled parameters. Consequently, neither the departmental decision nor the judgment affirming it can be sustained in the eyes of law.

17. For the foregoing reasons, we hold that the petitioner’s exclusion from consideration for appointment as Driver Constable, solely on account of his implication in FIR No. 307/2017, despite his acquittal approximately four years prior to recruitment and subsequent selection on merit, is devoid of lawful justification. The respondents’ mechanical invocation of Rule 12.18 of the Police Rules, 1934, without objectively assessing the petitioner’s antecedents and acquittal, constitutes a misconstruction of law

and arbitrary exercise of discretion. Such action, being vitiated by non-application of mind and extraneous considerations, offends Articles 4 and 25 of the Constitution and is consequently without lawful authority and of no legal effect. The impugned administrative determination is, therefore, liable to be set aside.

18. In consequence of the foregoing discussion, the petition is converted into an appeal and allowed. The impugned judgment dated 22.05.2025, along with the consequential departmental determination excluding the petitioner from appointment as Driver Constable, is hereby set aside, being without lawful authority and of no legal effect. The respondents are directed to restore the petitioner's candidature strictly in accordance with his merit position and complete all outstanding statutory and procedural formalities, including medical fitness and other mandatory requirements, within thirty days of receipt of a certified copy of this judgment. Upon fulfilment of the prescribed requirements under the relevant recruitment process, the competent authority shall issue the requisite appointment order without unnecessary delay. The antecedent registration of FIR No. 307/2017, having culminated in judicial acquittal, shall not, per se, constitute a disqualification or furnish an independent ground for withholding appointment. No order as to costs.

19. Before parting with this judgment, we deem it appropriate to emphasize the necessity of uniform, transparent and constitutionally compliant standards governing antecedent verification in public recruitment. The competent federal and provincial authorities, particularly law-enforcement agencies, should ensure adherence to the following guiding principles:

> (i) Mere registration of an FIR shall not ipso facto constitute a disqualification from public employment.
> (ii) Judicial acquittal shall receive due recognition, subject to an objective assessment of the candidate's antecedents and suitability.
> (iii) Adverse character verification shall be founded upon authentic, independently verifiable material rather than conjecture or suspicion.
> (iv) Upon acquittal, the criminal case shall not be reflected adversely in the Police Character Certificate; where proceedings remain pending, only their

pendency shall be disclosed, without any presumption of guilt.

(v) No candidate shall ordinarily be excluded without a meaningful opportunity of hearing and a reasoned determination.

(vi) Recruitment decisions shall conform to the prescribed statutory criteria, merit, proportionality and constitutional guarantees of fairness and equality.

The competent authorities should accordingly review and harmonize their recruitment policies with the foregoing principles, subject to the applicable statutory framework. Administrative discretion cannot be employed to perpetuate an unproved criminal accusation as an indelible stigma or perpetual impediment to public employment. Such safeguards are indispensable to preserving institutional integrity, public confidence and the rule of law.

CHIEF JUSTICE

JUDGE

Islamabad,
16.10.2026
APPROVED FOR REPORTING
RajaAhsan/-