

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

Present:

JUSTICE AMIN-UD-DIN KHAN, CHIEF JUSTICE
JUSTICE SYED ARSHAD HUSSAIN SHAH

C.P.L.As.51-L/2018 & 2007-L/2019

*[against the judgments dated 29.11.2017 & 01.04.2019
passed by the Lahore High Court, Multan Bench,
Multan in ICA Nos. 273/2017 & 277/2018]*

*Inspector General of Police, Punjab,
Lahore, etc. [in C.P.L.A.51-L/2018]
Province of Punjab through Secretary
Home Department, Lahore, etc. [in C.P.L.A.2007-L/2019]*
...Petitioner(s)

Versus

*Muhammad Akmal [in C.P.L.A.51-L/2018]
Muhammad Saqlain [in C.P.L.A.2007-L/2019]*
...Respondent(s)

For the Petitioner(s) : Mr. Khalid Masood Ghani, Addl. AG
Rana Tajamul Hussain, Inspector (L)

For the Respondent(s) : N.R.

Research Assistance by : Maira Hassan
Research Officer

Date of Hearing : 16.03.2026

ORDER

AMIN-UD-DIN KHAN, CJ.- Through this common judgment, we intend to decide both these civil petitions. We note the facts of C.P.L.A.51-L/2018. Respondent applied for the post of constable in Police Department and after passing his NTS as well as the interview, as such was issued letter dated 19.06.2015 for medical checkup in which the respondent was declared fit. Subsequently, the other candidates were issued appointment letters but appointment of respondent was withheld by the petitioner on the ground that there was a criminal case registered and pending against the respondent and, on the basis of the Inspector General of Police Policy dated 26.06.2014, the appointment was refused on the ground that there was a criminal case registered against the respondent.

2. Respondent then filed writ petition No.2245/2016 before the Lahore High Court which was heard and dismissed vide order dated 04.05.2017. Respondent opted to challenge the said judgment before the Division Bench of the Lahore High Court through I.C.A.273/2017, which was allowed vide judgment dated 29.11.2017 and the petitioner was directed while holding that registration of FIR No.320/2014 dated 05.10.2014 under sections 379 & 411, PPC at police station Mehmood Kot, District Muzaffargarh against the respondent/appellant would not be an impediment for the respondent/appellant to be considered for the appointment as Constable and he may be appointed if found eligible otherwise.

3. At the very outset, when questioned whether the respondent was appointed in compliance of the order of the Division Bench of the High Court, the learned counsel states that respondent was appointed and he is serving without any complaint against him. Heard the learned Additional Advocate General and gone through the judgment of the Division Bench of the Lahore High Court against which the leave has been sought. In this view of the policy letter dated 26.04.2014, the respondent was denied appointment as Constable. The policy letter is reproduced below:

*“The competent authority has decided in principal that all those candidates who, during character verification, have been found involved in criminal cases (either under trial or acquitted on multiple grounds) shall not be appointed in Police Department as constable.
Please ensure compliance of this direction and any deviation thereof shall viewed seriously.”*

4. The question for determination before this Court is whether the mere registration of a criminal case against a candidate seeking appointment in the police department constitutes a permanent bar to such appointment under the policy letter in question, notwithstanding the candidate's subsequent acquittal.

5. It is by now well settled that mere registration of a criminal case is only an allegation which sets the criminal law into motion; it is neither a proof of guilt nor a judicial determination of culpability. In matters of public employment, and more so in recruitment to a disciplined force like the Police, the State is entitled to insist upon integrity, good character and suitability; yet

such insistence must remain anchored in law, constitutional fairness, and a rational evaluation of material, and cannot be reduced to a mechanical or irreversible rule that an FIR standing alone creates a permanent disqualification irrespective of the ultimate outcome of the criminal proceedings.

6. Recruitment to public service, and particularly to a disciplined force such as the Police, undoubtedly permits the State to prescribe standards of integrity, character and suitability. The appointing authority is therefore competent to scrutinize the antecedents of a candidate before making an appointment. However, such scrutiny must be exercised within constitutional limits. Executive discretion cannot be transformed into an arbitrary or mechanical exercise by treating the mere fact of registration of a criminal case as an automatic and irreversible disqualification, regardless of the candidate's subsequent exoneration. Every administrative decision affecting public employment must remain consistent with the guarantees of fairness, legality and equality embodied in the Constitution.

7. The policy letter relied upon by the petitioners must accordingly be interpreted in a manner that is consistent with constitutional principles. An executive instruction may regulate the process of recruitment and prescribe standards for verification of antecedents, but it cannot override the legal consequences flowing from a judicial determination. Once a competent court has acquitted a candidate, the appointing authority cannot disregard that adjudication by continuing to treat the candidate as though the allegations contained in the FIR stood established. Such an approach would amount to substituting executive suspicion for judicial determination, a course that is impermissible under the constitutional framework.

8. Equally, an acquittal cannot be regarded as conferring an indefeasible right to appointment. Appointment to the Police Department is not a matter of automatic entitlement but remains subject to the appointing authority being satisfied that the candidate possesses the requisite suitability, character and integrity expected of a member of a disciplined force. The

constitutional infirmity therefore does not lie in undertaking antecedent verification; rather, it arises when the authority refuses appointment solely because an FIR had once been registered, without examining the circumstances of the case, the nature of the allegations, the manner in which the criminal proceedings concluded, and the conduct of the candidate throughout the recruitment process.

9. The distinction between suitability and disqualification is therefore of fundamental importance. Suitability requires an objective assessment based upon relevant considerations and informed judgment. Disqualification, on the other hand, excludes a candidate irrespective of the surrounding circumstances. While the former falls within the legitimate sphere of executive discretion, the latter cannot be inferred merely from the historical fact that criminal proceedings had once been initiated. A policy which operates as a blanket exclusion deprives the appointing authority of the obligation to exercise independent judgment and consequently renders the decision arbitrary.

10. The Constitution does not permit executive authorities to apply recruitment policies in a manner that disregards the individual facts of each case. Administrative discretion must always be exercised upon due application of mind and supported by reasons that demonstrate a rational connection between the material available and the conclusion reached. An order refusing appointment which merely reproduces the existence of a past FIR, without evaluating the legal effect of the subsequent acquittal or the surrounding circumstances, reflects no real exercise of discretion but only a mechanical application of policy. Such an approach cannot be sustained in constitutional adjudication.

11. In order to ensure that executive discretion is exercised consistently with constitutional requirements, the following considerations shall ordinarily guide the competent authority while examining the antecedents of a candidate whose involvement in criminal proceedings is brought to its notice:

- (i) whether the candidate truthfully disclosed the registration or pendency of the criminal case during the recruitment process;

(ii) whether the criminal proceedings culminated in conviction, acquittal, discharge, cancellation of the case or any other legally recognized conclusion;

(iii) where the candidate stands acquitted, whether the acquittal effectively removes the allegations against the candidate or whether the circumstances surrounding the disposal otherwise bear upon the assessment of suitability;

(iv) whether the allegations themselves disclose conduct that has any rational bearing upon the responsibilities of the office sought to be held; and

(v) whether the ultimate decision is founded upon an individualized assessment supported by recorded reasons rather than upon the mere existence of a previous criminal case.

12. These considerations do not curtail the discretion of the appointing authority; rather, they ensure that such discretion is exercised in accordance with constitutional norms. The Police Department continues to retain the authority to refuse appointment where the surrounding circumstances legitimately demonstrate that a candidate is unsuitable for induction into a disciplined force. What is constitutionally impermissible is to treat every person against whom an FIR was once registered as permanently disqualified, irrespective of the final judicial outcome and without any independent evaluation of the candidate's antecedents.

13. Where a candidate has neither concealed material information nor been convicted of any offence, and the criminal proceedings have concluded in his favour, the historical fact of registration of an FIR cannot, standing alone, furnish a lawful basis for denying public employment. Such a construction would effectively impose a continuing civil disability despite the absence of any finding of guilt and would defeat the constitutional requirement that executive action remain fair, reasonable and non-arbitrary. If the competent authority nonetheless forms the opinion that the candidate is unsuitable, such opinion must be demonstrably based upon relevant considerations disclosed from the record and not merely upon the previous existence of criminal proceedings.

14. The policy letter in question must therefore be read as enabling antecedent verification and not as creating an absolute prohibition against appointment. Any interpretation that converts the policy into a permanent and inflexible bar solely because a criminal case had once been registered would exceed the permissible limits of executive authority and would be incompatible with the constitutional guarantees governing public employment and lawful exercise of administrative discretion.

15. We accordingly hold that the mere registration of a criminal case against a candidate seeking appointment in the Police Department does not constitute a permanent bar to appointment under the policy letter where the candidate has subsequently been acquitted and has not concealed any material fact during the recruitment process. The appointing authority must undertake an individualized assessment of suitability, supported by cogent reasons, keeping in view the nature of the allegations, the manner in which the criminal proceedings concluded, and all other relevant circumstances. A refusal founded solely upon the previous registration of an FIR, without such assessment, cannot be sustained in law.

16. In light of the above discussion, this policy letter is against the fundamental rights enshrined in the Constitution.

17. In this view of the matter, the judgments of the High Court are in accordance with law. No case for grant of leave is made out. Leave refused. Both the petitions stand dismissed.

CHIEF JUSTICE

JUDGE

Islamabad,
16.03.2026
APPROVED FOR REPORTING
RajaAhsan/-