



2026:AHC-LKO:41490-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW
WRIT - C No. - 6364 of 2026**

Virendra Kumar

.....Petitioner(s)

Versus

State of U.P. Thru. Prin. Secy. Home Lko. and 2 others

.....Respondent(s)

Counsel for Petitioner(s)	: Vinod Kumar
Counsel for Respondent(s)	: C.S.C.

Court No. - 2

**HON'BLE SAURABH LAVANIA, J.
HON'BLE PRAMOD KUMAR SRIVASTAVA, J.**

1. Heard Sri Vinod Kumar learned counsel for the petitioner, learned State Counsel and perused the records.
2. The instant petition has been preferred seeking following main relief(s):-

"(a) to issue a writ order or direction in the nature of Certiorari for quashing the impugned order of refusal for recommendation the application dated 11.05.2026 submitted by the petitioner for issuing Character Certificate by the Opposite Party No.3, contained as Annexure No-1 to this writ petition.

(b) to issue a writ order or direction in the nature of Mandamus commanding the opposite parties to issue Character Certificate by extending the benefit of order dated 28.05.2025 passed by this Hon'ble Court in WRIT- C No.718 of 2025, "Anil Kumar Versus State of U.P. Thru. Addl. Chief Secy. Deptt. of Home Lko. And 3 Others" during pendency of this writ petition."

3. It is to be noted that vide Annexure No. 1 to this petition, which has been impeached, the application of the petitioner seeking Character Certificate has been rejected by the respondent No. 3.

4. Upon due consideration of the facts as pleaded in this petition and also the observations made by the Division Bench of this Court in the judgment dated 28.05.2025 passed in a bunch of petitions leading of which is ***Writ-C No. 718 of 2025 (Anil Kumar vs. State Of U.P. And 3 Others)***, this Court finds that indulgence of this Court is required in the matter. It is for the reason that the present case is covered by the judgment passed by this Court in the case of ***Anil Kumar (supra)*** and other connected matters.

5. The paragraph-2 of the order dated 28.05.2025, referred, reads as under:-

"2. On 26.05.2025 we had passed the following order in this bunch of writ petitions:-

Heard Shri Lalit Kishore Tiwari, learned Counsel for the petitioner and Shri Manish Mishra, learned Standing Counsel for the State.

In response to our order dated 06.05.2025, Shri Manish Mishra, learned Standing Counsel says that a meeting was convened in the Home Department of Government of U.P. for considering the matter and in that process it was found that several other departments such as Revenue Department, Public Works Department, Excise Department etc., their opinion may be required, as such, a final decision could not be taken and some reasonable time has been sought.

The time prayed for is granted. We, however, find that such character certificates are required for various purposes such as business activity, obtaining license, employment etc.. On account of pendency of criminal cases, sometimes involving petty offences, the applications are rejected. The appropriate course in our opinion is to communicate the decision on a prescribed format mentioning the pendency of the criminal case, the offences alleged and the stage of proceedings, instead of expressing any opinion or saying, as is ordinarily done that "Character cannot be certified." and that certificate in the aforesaid format can be presented to the concerned department which can form its own opinion in the matter.

In some certificates, we have found that after mentioning pendency of criminal case or trial, even involving petty offences, a recital is added that for the said reason, the character of the person cannot be certified. Now, this is an omnibus recital, which is not correct. In other cases we have found that where application for issuance of character certificate is filed, say before the District Magistrate, that is in cases where licenses have been applied or some business activity such as contract etc. is to be entered into or carried on, at times, the application is rejected by the District Magistrate with reference to the pendency of criminal cases. Now, this in our view is again not correct. What should be done is to mention the material which is available against the petitioner i.e. the details of the criminal cases, stage of the proceedings etc., and provide it to the concerned department or the applicant. It will be for the concerned

Department which is to provide employment or to grant license etc. to form an opinion on the basis of the recitals in the character certificate whether it should engage with the applicant or not. Say for example, a case against the petitioner under Section 323, 324 I.P.C. [under corresponding Section 115 & 118(1) of Bhartiya Nyaya Samhita, 2023] is pending investigation, it is a petty offence and merely on a one off incident, should the application be rejected or can it be said that the character of the person cannot be certified, specially where the case is only at the investigation stage. Of course, this will depend upon the requirement of the department which needs the N.O.C. from the applicant. Sometimes, offences carrying less sentence may have a serious impact on society or for the purposes of the activity or employment in the context of which character certificate is sought, but all this is for the concerned department to form an opinion based on the material mentioned in the character certificate, and not for the issuing authority to express any opinion as to how far the character is certifiable or not, except in exceptional cases where supposing a person is involved in cases under the N.D.P.S. Act or has been convicted therein or he may have a long criminal history or proceedings under the Gangsters Act has been filed or trial is proceeding etc..

We may in this context quote a character certificate given by the Senior Superintendent of Police, Ambedkar Nagar on 11.12.2024 which was filed in Writ C No. 4798 of 2025. In our opinion, the format on which the certificate was given is quite appropriate. It is as under:-

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD SITTING AT LUCKNOW. No. _____ of 202 Versus..... ANNEXURE No. I		11
 उत्तर प्रदेश पुलिस कार्यालय वरिष्ठ पुलिस अधीक्षक/ पुलिस उपायुक्त / पुलिस अधीक्षक जनपद- अम्बेडकर नगर		दिनांक- 11/12/2024 
प्रमाणपत्र संख्या - 316902467772		
चरित्र प्रमाण-पत्र प्रमाणित किया जाता है कि श्री/कु./श्रीमती Akhilesh Kumar , पुत्र/पुत्री/पत्नी/अभिभावक श्री Shri Pal Yadav, 118, Dhamapatti, Dama Patti, Po Goshainganj, निवासी -118, Dhamapatti, Dama Patti, Po Goshainganj थाना- अहिरौली, जनपद- अम्बेडकर नगर की जाँच सम्बंधित थाना, स्थानीय अभिसूचना इकाई एवं अन्य अपराध अभिलेख ब्यूरो जनपद अम्बेडकर नगर से कराये जाने पर पुलिस अभिलेखों में उक्त अभ्यर्थी/अभ्यर्थिनी के विरुद्ध जीआरपी अकबरपुर में मु0अ0सं0 96/22 धारा 143 R.A. का होना पाया गया। उक्त मुकदमे में आवेदक ने पाँच हजार रुपये का जुर्माना अदा कर दिया है। इसके अलावा अन्य कोई अपराध का होना नहीं पाया गया। यह प्रमाण-पत्र मात्र एक वर्ष तक ही मान्य है।		
Digitally signed by Shubham Kumar Date: 2024.12.11 13:29:42 +05'30' वरिष्ठ पुलिस अधीक्षक / पुलिस उपायुक्त / पुलिस अधीक्षक अम्बेडकर नगर		
यह कंप्यूटर जनित दस्तावेज़ है अतः किसी हस्ताक्षर की आवश्यकता नहीं है। Crime and Criminal Tracking Network and Systems (CCTNS) प्रमाणपत्र पत्र डैकेटासी के लिए मान्य नहीं है।  अखिलेश कुमार		

The Home Department may take it as a sample for its consideration in the next meeting. This certificate leaves it to the opinion of the employer or the Department concerned to take a decision as to whether in the facts and circumstances mentioned therein, the license or the business activity or the employment is to be given or not without expressing any opinion, as, mere pendency of a criminal case, specially involving a petty offence, may not necessarily reflect the entire character of the person in a given case. It is a subjective opinion which can be forward by the concerned department where license has been applied or appointment has been sought.

Till a decision is taken by the Government of U.P. as referred earlier, we are of the opinion that the Police Officials / District Magistrate should issue the certificates on the aforesaid format, subject however to the decision whatever may be taken by the State Government, unless there is some statutorily prescribed proforma in any statute for issuance of such character certificate. Whatever are the criminal cases pending against the applicant, they will be mentioned in character certificate and the stage of such proceedings, nothing more, unless there is any other material which may justify an opinion of the officer concerned, in that case, opinion can also be expressed.

It is Ordered accordingly.

At this stage, we are informed that in several cases the application for issuance of character certificate has been declined by cryptic order, while in other cases, it has been rejected on account of pendency of criminal cases, therefore, some relief be granted to them, as otherwise, their employment or business activity would be prejudiced. For consideration of this aspect, list/put up this case day after tomorrow i.e. 28.05.2025 as fresh."

6. Taking note of the aforesaid, the Annexure No. 1, which is a non-speaking order and also has not been issued in terms of order dated 28.05.2025, referred above, is hereby quashed. The authority concerned is directed to issue Character Certificate to the petitioner in the format indicated by the Division Bench of this Court in the judgment dated 28.05.2025, referred above.

7. The instant petition is ***finally disposed of*** in above terms.

(Pramod Kumar Srivastava,J.) (Saurabh Lavania,J.)

June 19, 2026

Jyoti/-