



2026:AHC-LKO:35081

**A.F.R.**

**Reserved on 17.02.2026**

**Delivered on 15.05.2026**

**HIGH COURT OF JUDICATURE AT ALLAHABAD  
LUCKNOW**

**WRIT - A No. - 10936 of 2025**

Shekhar

.....Petitioner(s)

Versu

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State of U.P. Thru. Prin. Secy. Home Deptt. Lko. and 4  
others

.....Respondent(s)

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Counsel for Petitioner(s) : Dinesh Pratap Singh,  
Armaan Surendra Tiwari  
Counsel for : C.S.C.,  
Respondent(s)

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**Court No. - 25**

**HON'BLE AMITABH KUMAR RAI, J.**

- 1.** Heard learned counsel for the petitioner and learned Standing Counsel for the State.
- 2.** The instant writ petition has been filed seeking quashing of the order dated 10.07.2025, whereby the selection/candidature of the petitioner for appointment to the post of Constable (Civil Police) has been rejected on the ground of pendency of criminal cases registered as Case Crime No. 0018 of 2021, under Sections 392/411/34/201 I.P.C., Police Station Kandhai, District

Pratapgarh, registered on 13.01.2021 as well as Case Crime No. 0156 of 2021 under Sections 2/3 of the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986.

**3.** The brief facts of the case, shorn of unnecessary details, are that the petitioner applied for selection to the post of Constable (Civil Police) pursuant to an advertisement issued by the Uttar Pradesh Police Recruitment and Promotion Board (hereinafter referred to as "**Recruitment Board**"). The petitioner, after undergoing the selection process, was selected and recommended by the Recruitment Board for appointment to the said post. However, during the course of police verification, it was found that Charge Sheet No.140 of 2021 had been filed under Sections 392/411/34/201 I.P.C. arising out of FIR lodged on 13.01.2021, registered as Case Crime No. 0018 of 2021 at Police Station Kandhai, District Pratapgarh.

**4.** It is the case of the petitioner that he had already disclosed the pendency of the aforesaid two criminal cases while filling up the application form and merely on account of such pendency, he cannot be denied appointment to the post of Constable (Civil Police), especially after having been selected and recommended by the Recruitment Board.

**5.** The Recruitment Board, in its counter affidavit, has stated that after completion of the selection process and forwarding of the recommendation, the role of the Board comes to an end and it is for the appointing authority to take a decision regarding appointment. It has

further been stated that the selections were conducted in accordance with the provisions contained in the Uttar Pradesh Civil Police Constable & Head Constable Service Rules, 2015 (as amended in 2017). Rule 16 of the said Rules provides for character verification and stipulates that before issuance of the appointment order, the appointing authority must obtain a verification report, and upon disclosure of any adverse material, the candidate may be declared unfit for appointment and the vacancy has to be carried forward to the next selection. It is further stated that the final result was declared on 13.03.2025 and the select list was forwarded to the Director General of Police, Uttar Pradesh, Lucknow, for further necessary action, whereafter the Recruitment Board ceased to have any role in the matter of appointment.

**6.** In the separate counter affidavit filed on behalf of respondent no. 5, it is stated that while filling up the application form, the petitioner had disclosed the pendency of two criminal cases, however, there was no reference to the nature of charges, which, upon police verification, were found to relate to serious offences. It is further stated that a letter dated 21.05.2025 was sent by the Superintendent of Police, Pratapgarh, to the District Magistrate, Pratapgarh, seeking opinion regarding the suitability/unsuitability of the petitioner in light of Government Order No. 4694/1-B-321-1947 dated 28.04.1958. In response, the District Magistrate, Pratapgarh, vide letter no.37/50 JA-2025 dated 09.06.2025, opined that since serious charges were levelled against the petitioner and charge sheets had

already been filed, it would not be appropriate to appoint him in service. Accordingly, by office letter no. M-129/2024 dated 10.07.2025, the selection of the petitioner was cancelled on the ground that he was found unsuitable for appointment.

**7.** Learned counsel for the petitioner submits that mere pendency of criminal cases cannot be a ground to deny appointment, particularly when the petitioner had disclosed the same at the time of application. Reliance has been placed upon the judgment of the Hon'ble Supreme Court in **Avtar Singh v. Union of India, (2016) 8 SCC 471**, as well as **Civil Appeal No. 5902 of 2012, Ravindra Kumar vs State of U.P. and others, decided on 22.02.2024**.

**8.** On the other hand, learned Standing Counsel appearing for the respondents has also relied upon **Avtar Singh (supra)**, particularly paragraph 38, to contend that in view of the serious nature of offences involved, the petitioner was rightly declared unsuitable for appointment to the disciplined force of Constable (Civil Police).

**9.** Having heard learned counsel for the parties, the moot question that arises for consideration is whether the petitioner can be held unsuitable for appointment due to pendency of criminal cases, though serious in nature, but yet to be proved in trial.

**10.** The Hon'ble Supreme Court in **Ram Kumar vs. State of U.P. and Others, (2011) 14 SCC 709**, while considering the Government Order dated 28.04.1958, has held that the character of a candidate for direct

appointment must be such as to render him suitable in all respects for employment in the service or post to which he is to be appointed. It is the duty of the appointing authority to satisfy itself regarding the suitability of the candidate and to apply its independent mind in that regard. The scanned copy of Government Order dated 28.04.1958 as available in the book 'Uttar Pradesh Police Regulations' by Ali Kabir and R.N. Mishra published by Hind Publishing House is reproduced hereinbelow :-

### portant Government Orders & Notifications

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G.O. 4694-II-B-321-1947

Dated April 28, 1958

विषय : प्रथम नियुक्ति के समय चरित्र सत्यापन की प्रक्रिया।

**Subject :** Verification of Character at first appointment.

I am directed to refer to Appointment (B) Department secret G. O. No. 2712/II-B-321-1947 dated November 9, 1953 in which detailed instructions were issued regarding the method of verifications of character and antecedents of candidates for appointment under the State Government. These instructions were later on revised in this Department secret G. O. No. 4637/II-B-321-47; dated December 4, 1957. It has been noticed that difficulty is being experienced by some appointing authorities in correctly interpreting the instructions issued in the Government Order dated December 4, 1957. It has also been found that these instructions are not fully comprehensive to cover all the cases. The Governor has therefore been pleased to lay down the following instructions in supersession of all the previous orders on the subject.

2. The rule regarding character of candidates for appointment under the State Government shall continue to be as follows :

"The character of candidate for direct appointment must be such as to render him suitable in all respects for employment in the service or post to which he is to be appointed. It would be the duty of the appointing authority to satisfy itself on the point."

3. (a) Every direct recruit to any service under the Uttar Pradesh Government will be required to produce:

- (i) A certificate of conduct and character from the head of the educational institution where he last studied (if he went to such an institution).
- (ii) Certificates of character from two persons. The appointing authority will lay down requirements as to kind of persons from whom it desires these certificates.

(b) In cases of doubt, the appointing authority may either ask for further references, or may refer the case to the District Magistrate concerned. The District Magistrate may then make further enquiries as he considers necessary.

*Note—*(a) A conviction need not of itself involve the refusal of a certificate of good character. The circumstances of the conviction should be taken into account and if they involve on moral turpitude or association with crimes of violence or with a movement which has its object to overthrow by violent means of Government as by law now established in free India the mere conviction need not be regarded as

disqualification.<sup>1</sup> (Conviction of a person during his childhood should not necessarily operate as a bar to his entering Government service. The entire circumstances in which his conviction was recorded as well as the circumstances in which he is now placed should be taken into consideration. If he has completely reformed himself on attaining the age of understanding and discretion, mere conviction in childhood should not operate as a bar to his entering Government service).

(b) While no person should be considered unfit for appointment solely because of his political opinions, care should be taken not to employ persons who are likely to be disloyal and to abuse the confidence placed in them by virtue of their appointment. Ordinarily, persons who are actively engaged in subversive activities including members of any organization the avowed object of which is to change the existing order of society by violent means should be considered unfit for appointment under Government. Participation in such activities at any time after attaining the age of 21 years and within three years of the date of enquiry should be considered as evidence that the person is still actively engaged in such activities unless in the interval there is positive evidence of change of attitude.

(c) Persons dismissed by the Central Government or by a State Government will also be deemed to be unfit for appointment to any service under this Government.

<sup>2</sup>(d) In the case of direct recruits to the State Services under the Uttar Pradesh Government includes requiring the candidates to submit the certificates mentioned in paragraph 3 (a) above. The appointing authority shall refer all cases simultaneously to Deputy Inspector General of Police, intelligence and the District Magistrate <sup>3</sup>[of the home district and of the district(s) where the candidate has resided for more than a year within five years of the date of the inquiry] giving full particulars about the candidate. The District Magistrate shall get the reports in respect of the candidates from the Superintendent of Police who will consult District Police Records and records of the Local Intelligence Unit. The District Police or the District Intelligence Unit shall not make any enquiries on the spot, but shall report from their records whether there is anything against the candidate, but if in any specific case the District Magistrate at the instance of the appointing authority ask for an enquiry on the spot the Local Police or the Local Intelligence Units will do so and report the result to him. The District Magistrate shall then reports his own views to the appointing authority. Where the District Police or the Local Intelligence Units report adversely about a candidate the District Magistrate may give the candidate a hearing before sending his report.

1. Added *vide* G. O. No. O-2239/II-B-212-1960, dated December 24, 1965.
2. Substituted *vide* G. O. No. 3780/II-B-321-1947, dated June 11, 1959.
3. Added *vide* G. O. No. 57/II-B-212-1960, dated May 22, 1961.

## IMPORTANT GOVERNMENT ORDERS

743

(e) In the case of direct recruits (who are lower in rank than that of a State Service Officer) of :

- (i) the police <sup>1</sup>(including ministerial staff of Police Officers).
- (ii) the Secretariat.
- (iii) the staff employed in the government factories.
- (iv) power houses and dams.

besides requiring the candidates to submit the certificates mentioned in paragraph 3 (a) above, the appointing authorities shall refer all cases simultaneously to the Deputy Inspector General, C.I.D. and the District Superintendent of Police <sup>2</sup>[of the home district and of the district(s) where the candidate has resided for more than a year within five year of the date of the inquiry] giving full particulars about the candidate. The Superintendents of Police will send his report direct to the appointing authority if there is nothing adverse against the candidate. In cases where the report is unfavourable the Superintendent of Police will forward it to the District Magistrate who will send for the candidate concerned, give him a hearing and then, form his own opinion. All the necessary papers (the Superintendent of Police's report the candidate's statement and the District Magistrate's finding) will there after be sent to the appointing authority.

4. It will be seen that in cases of direct recruit to services other than those mentioned in paragraphs 3 (c) and 3 (d) above, verification shall not be necessary as a matter of routine except in cases of doubt when the procedure mentioned in paragraph 3 (b) shall be followed.

5. In the case of a candidate for services mentioned in paragraphs 3 (c) and 3 (d) above—

- (i) if at the time of enquiry the candidate is residing in a locality situated outside Uttar Pradesh or if he has resided in such a locality at any time within five years of the date of enquiry for a period of one year or more it shall be the duty of the deputy Inspector General, C.I.D. to consult also the C.I.D.D. of the State concerned in which the locality is situated before making his verification report.
- (ii) if the candidate was residing before partition in area now comprising Pakistan the Deputy Inspector General, C.I.D. shall also make a reference to the Director of Intelligence Bureau, Ministry of Home Affairs, Government of India, in addition to the usual enquires as indicated above.

6. It has also been observed that where the District Magistrates are required to send the attestation forms they sometimes do not sign the forms themselves, Government consider it very desirable that the attestation forms should invariably be signed by the District Magistrates them selves in all such cases.

1. Added *vide* G. O. No. 4951/II-B-212-1962, dated January 16, 1963.

2. Added *vide* G. O. No. 57/II-B-212-1960 dated May 22 1961

744

## POLICE REGULATIONS

7. Other State Governments and Administrations are being informed separately that the verification of character and antecedents of recruits to their services from this State will henceforth be done according to the procedure adopted in the cases of recruits to different categories of services under the State Government.

8. In order to prevent a candidate, who has been disqualified for Government Employment from securing employment in a sub-ordinate or inferior service other than those mentioned in paragraph 3 (d), every person, recruited to these services should be required at the time of joining his appointment to fill up the form appended as Annexure 111 to this letter. If he is found to have made a false statement in this connection, he should be discharged forthwith, without prejudice to any other action that may be considered necessary.

9. All questions arising from there order shall be referred to Government in the appointment (B) Department for decision.

10. A form each of (i) particular about the candidate (ii) character certificate and (iii) statement of candidate to be used by the enquiring officers is annexed to the later.

**11.** It is not the case of the petitioner that the said Government Order dated 28.04.1958 is not in existence or has been superseded by any subsequent Government Order.

**12.** The para no.2 of the Government Order dated 28.04.1958, in clear terms, provides that it is the duty of the appointing authority to satisfy itself regarding suitability of a candidate with respect to his character. The para no.3(d) mandates that the appointing authority shall refer all cases simultaneously to District Magistrate alongwith police authorities. It further provides that where the District Police or the local intelligence submits report adversely about a candidate, then the District Magistrate may give the candidate a hearing before sending his report.

**13.** The Rule 11 of Uttar Pradesh Civil Police Constable & Head Constable Service Rules, 2015 also mandates that the appointing authority shall satisfy

himself about the character of a candidate for direct recruitment. The Rule 11 is reproduced hereinbelow :-

*11. Character-The character of a candidate for direct recruitment to a post in the service must be such as to render him suitable in all respect for employment in Government Service. The appointing authority shall satisfy itself on this point.*

*Note-Persons dismissed by the Union Government or any State Government or by a Local Authority or by a Corporation or Body owned or controlled by the Union Government or any State Government shall be ineligible for appointment to the service. Persons convicted of an offence involving moral turpitude shall also be ineligible.*

**14.** The Hon'ble Supreme Court in **Avtar Singh (supra)**, in paragraph 38, has laid down following guidelines with regard to verification of the character antecedents of a candidate for appointment in the service:-

*38. We have noticed various decisions and tried to explain and reconcile them as far as possible. In view of the aforesaid discussion, we summarise our conclusion thus:*

*38.1. Information given to the employer by a candidate as to conviction, acquittal or arrest, or pendency of a criminal case, whether before or after entering into service must be true and there should be no suppression or false mention of required information.*

*38.2. While passing order of termination of services or cancellation of candidature for giving false information. the employer may take notice of special circumstances of the case, if any, while giving such information.*

38.3. The employer shall take into consideration the government orders/instructions/rules, applicable to the employee, at the time of taking the decision.

38.4. In case there is suppression or false information of involvement in a criminal case where conviction or acquittal had already been recorded before filling of the application/verification form and such fact later comes to knowledge of employer, any of the following recourses appropriate to the case may be adopted:

38.4.1. In a case trivial in nature in which conviction had been recorded, such as shouting slogans at young age or for a petty offence which if disclosed would not have rendered an incumbent unfit for post in question, the employer may, in its discretion, ignore such suppression of fact or false information by condoning the lapse.

38.4.2. Where conviction has been recorded in case which is not trivial in nature, employer may cancel candidature or terminate services of the employee.

38.4.3. If acquittal had already been recorded in a case involving moral turpitude or offence of heinous/serious nature, on technical ground and it is not a case of clean acquittal, or benefit of reasonable doubt has been given, the employer may consider all relevant facts available as to antecedents, and may take appropriate decision as to the continuance of the employee.

38.5. In a case where the employee has made declaration truthfully of a concluded criminal case, the employer still has the right to consider antecedents, and cannot be compelled to appoint the candidate.

38.6. In case when fact has been truthfully declared in character verification form regarding pendency of a criminal case of trivial nature, employer, in facts and circumstances of the case, in its discretion, may appoint the candidate subject to decision of such case.

38.7. *In a case of deliberate suppression of fact with respect to multiple pending cases such false information by itself will assume significance and an employer may pass appropriate order cancelling candidature or terminating services as appointment of a person against whom multiple criminal cases were pending may not be proper.*

38.8. *If criminal case was pending but not known to the candidate at the time of filling the form, still it may have adverse impact and the appointing authority would take decision after considering the seriousness of the crime.*

38.9. *In case the employee is confirmed in service, holding departmental enquiry would be necessary before passing order of termination/removal or dismissal on the ground of suppression or submitting false information in verification form.*

38.10. *For determining suppression or false information attestation/verification form has to be specific, not vague. Only such information which was required to be specifically mentioned has to be disclosed. If information not asked for but is relevant comes to knowledge of the employer the same can be considered in an objective manner while addressing the question of fitness. However, in such cases action cannot be taken on basis of suppression or submitting false information as to a fact which was not even asked for.*

38.11. *Before a person is held guilty of suppressio veri or suggestio falsi, knowledge of the fact must be attributable to him."*

(Emphasis supplied)

**15.** The Hon'ble Supreme Court in the case of **Satish Chandra Yadav v. Union of India : (2023) 7 SCC 536**, after taking into consideration the judgments passed subsequent to **Avtar Singh (supra)**, has held as follows in paragraph 93, which is reproduced hereinbelow along with paragraph 92 :-

92. *The only reason to refer to and look into the various decisions rendered by this Court as above over a period of time is that the principles of law laid therein governing the subject are bit inconsistent. Even after the larger Bench decision in Avtar Singh [Avtar Singh v. Union of India, (2016) 8 SCC 471 : (2016) 2 SCC (L&S) 425] different courts have enunciated different principles.*

93. *In such circumstances, we undertook some exercise to shortlist the broad principles of law which should be made applicable to the litigations of the present nature. The principles are as follows:*

93.1. *Each case should be scrutinised thoroughly by the public employer concerned, through its designated officials — more so, in the case of recruitment for the Police Force, who are under a duty to maintain order, and tackle lawlessness, since their ability to inspire public confidence is a bulwark to society's security. (See Raj Kumar [State v. Raj Kumar, (2021) 8 SCC 347 : (2021) 2 SCC (L&S) 745] )*

93.2. *Even in a case where the employee has made declaration truthfully and correctly of a concluded criminal case, the employer still has the right to consider the antecedents, and cannot be compelled to appoint the candidate. The acquittal in a criminal case would not automatically entitle a candidate for appointment to the post. It would be still open to the employer to consider the antecedents and examine whether the candidate concerned is suitable and fit for appointment to the post.*

93.3. *The suppression of material information and making a false statement in the verification form relating to arrest, prosecution,*

*conviction, etc. has a clear bearing on the character, conduct and antecedents of the employee. If it is found that the employee had suppressed or given false information in regard to the matters having a bearing on his fitness or suitability to the post, he can be terminated from service.*

*93.5. The Court should inquire whether the authority concerned whose action is being challenged acted mala fide.*

*93.6. Is there any element of bias in the decision of the authority?*

*93.7. Whether the procedure of inquiry adopted by the authority concerned was fair and reasonable?*

*(Emphasis supplied)*

**16.** In the case of Union of **Union of India v. Methu Meda, (2022) 1 SCC 1** the respondent was selected for the post of Constable in the Central Industrial Security Force and he disclosed a criminal case in which he was acquitted. Despite his acquittal and his disclosure of the criminal case, the selection was cancelled, which was challenged before the High Court and was allowed. However, the Hon'ble Supreme Court held otherwise and allowed the appeal, discussing the consequences of acquittal in a criminal case. The Hon'ble Supreme Court reiterated that a person joining a police force must be of impeccable character and must not have any criminal antecedents. The relevant paragraphs 17, 20 and 21 are quoted hereinbelow :-

"17. In view of the above, in the facts of the present case, as per paras 38.3, 38.4.3 and 38.5 of Avtar Singh case [Avtar Singh v. Union of India, (2016) 8 SCC 471 : (2016) 2 SCC (L&S) 425] , it is clear that the

employer is having right to consider the suitability of the candidate as per government orders/instructions/rules at the time of taking the decision for induction of the candidate in employment. Acquittal on technical ground in respect of the offences of heinous/serious nature, which is not a clean acquittal, the employer may have a right to consider all relevant facts available as to the antecedents, and may take appropriate decision as to the continuance of the employee. Even in case, truthful declaration regarding concluded trial has been made by the employee, still the employer has the right to consider antecedents and cannot be compelled to appoint the candidate.

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20. In view of the aforesaid, it is clear the respondent who wishes to join the police force must be a person of utmost rectitude and have impeccable character and integrity. A person having criminal antecedents would not be fit in this category. The employer is having right to consider the nature of acquittal or decide until he is completely exonerated because even a possibility of his taking to the life of crimes poses a threat to the discipline of the police force. The Standing Order, therefore, has entrusted the task of taking decisions in these matters to the Screening Committee and the decision of the Committee would be final unless mala fide.

21. As discussed hereinabove, the law is well settled. If a person is acquitted giving him the benefit of doubt, from the charge of an offence involving

moral turpitude or because the witnesses turned hostile, it would not automatically entitle him for the employment, that too in disciplined force. The employer is having a right to consider his candidature in terms of the circulars issued by the Screening Committee. The mere disclosure of the offences alleged and the result of the trial is not sufficient. In the said situation, the employer cannot be compelled to give appointment to the candidate."

*(Emphasis supplied)*

**17.** Coming to the facts of the present case, it is noticed that the charges against the petitioner are of serious in nature and charge sheet has already been filed in the said cases. The post in question pertains to a disciplined force and therefore, a candidate facing serious criminal charges cannot be considered suitable for such appointment. The District Magistrate, Pratapgarh, while forming his opinion, had also afforded opportunity of hearing to the petitioner before arriving to the conclusion that he was involved in serious offences.

**18.** The paragraph 38.6 of **Avtar Singh (supra)** specifically provides that the appointing authority may, in its discretion, appoint a candidate even during the pendency of a criminal case of trivial nature, subject to the outcome of such case. However, in the present case, the allegations are of serious nature, hence, it cannot be said that the appointing authority has acted illegally in cancelling the selection/candidature of the petitioner.

**19.** In the case of **Satish Chandra Yadav (supra)** the Hon'ble Supreme Court in para no.93.2 has

specifically held that even in a case where a declaration has been made truthfully and correctly of a concluded criminal case, the employer has still the right to consider the antecedents and cannot be compelled to appoint the candidate. It has further been held that the acquittal in a criminal case do not automatically entitle a candidate for appointment to the post and it remains open for the employer to consider the antecedents and examine whether the candidate concerned is suitable and fit for appointment to the post.

**20.** In the present case, charge sheet has been filed against the petitioner in respect of a case relating to serious charges and the petitioner has yet to be tried for the said offences. Hence, this Court is of the view that the appointing authority, under such circumstances, cannot be compelled to appoint such a candidate who is facing trial in an offence relating to serious charges. The petitioner has to be appointed on the post of Constable (Civil Police) and he should carry with him impeccable character and integrity. A person having criminal antecedents relating to serious charges cannot fit in this category. Even if the petitioner is acquitted or discharged after the conclusion of trial, it cannot be presumed at this stage that he would be honourably acquitted. The District Magistrate, Pratapgarh in terms of the Government Order dated 28.04.1958, has specifically opined that the nature of offence alleged against the petitioner are serious in nature and hence, he is not suitable for appointment. The Superintendent of Police, Ghazipur, being the appointing authority, has rightly concurred with the recommendation of the District Magistrate in terms of the Government

Order dated 28.04.1958 while passing the order dated 10.07.2025 cancelling the selection/candidature of the petitioner.

**21.** It is also noticed that the clause 3.5 of the notification No. PRPB: E-1(150)/2023 dated 23.12.2023, inviting applications for recruitment to the post of Constable (Civil Police), specifically provides that the character of a candidate must be such that he is suitable in all respects for appointment and the appointing authority must be satisfied in this regard.

**22.** The order dated 10.07.2025 cancelling the candidature of the petitioner reflects that the procedure prescribed under the Government Order dated 28.04.1958 has been duly followed in letter and spirit. The appointing authority, having considered the opinion of the District Magistrate dated 09.06.2025, arrived to the conclusion that the petitioner is not suitable for appointment to the post of Constable (Civil Police). The said decision cannot be faulted, having been taken in accordance with due process of law. The material available before the Superintendent of Police, Ghazipur (appointing authority) while passing the order dated 10.07.2025 was the opinion of the District Magistrate, Pratapgarh contained in letter dated 09.06.2025 disclosing the criminal antecedents of the petitioner which is serious in nature and a candidate with such serious charges of criminal antecedents can by no stretch of imagination be held suitable for appointment in a disciplined force. Thus, this Court is of the considered view that the Superintendent of Police, Ghazipur (appointing authority) has rightly cancelled the

candidature/selection of the petitioner while passing the order dated 10.07.2025.

**23.** In view of the aforesaid discussion, the present writ petition lacks merit and is accordingly **dismissed**.  
No order as to costs.

**(Amitabh Kumar Rai,J.)**

**May 15, 2026**

Ashish Dewal