

\$~

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Judgment Pronounced on: October 19, 2012*

+ **WP(C) 4642/2000**

CONSTABLE JITENDERA 961190617 Petitioner
Represented by : Mr.Anil Mittal, Advocate
with Mr.Amritansh Bhateja,
Advocate

versus

C.R.P.F. & ANR. Respondents
Represented by : Mr.Himanshu Bajaj,
Advocate for R.1 & 2

CORAM:
HON'BLE MR. JUSTICE PRADEEP NANDRAJOG
HON'BLE MR. JUSTICE MANMOHAN SINGH

PRADEEP NANDRAJOG, J.

1. The petitioner had joined as a Constable on the strength of an OBC Certificate obtained from the competent authority at Delhi. The enrolment of the petitioner was in the quota pertaining to the Union Territory of Delhi. When sent for verification the concerned SDM's office informed that the certificate in question had been cancelled inasmuch as the same was obtained on wrong information provided.
2. Surprisingly, the Sub Divisional Magistrate informed that he had issued the certificate at the asking of some counsel.
3. Picking on said fact, learned counsel for the petitioner urged that having once issued the certificate, the learned SDM could not have

cancelled the same without verifying the correctness of the information provided by the petitioner after notice to the petitioner.

4. We have accordingly preferred to look at the relevant record rather than to get involved in the technicalities of the law. The record is the once produced by the respondents in the Court.

5. The record would reveal that the petitioner obtained the matriculation degree in the year 1990 from the Board of School Education at Haryana. The domicile and cast certificate obtained from the SDM Delhi which was relied upon by the petitioner is of February 6, 1995.

6. Neither with the writ petition nor to the respondents the petitioner has annexed any proof of thereafter residing in Delhi and suffice would it be for us to record that in his application form the petitioner has disclosed his educational qualification to be class 10th pass. It is not the case of the petitioner that he studied in a Senior Secondary School in Delhi, and surprisingly we find that while applying for the job the petitioner produced a character of certificate dated May 1, 1996 purportedly issued by the Principal of the Government Co-Education Sr. Secondary School, Khaira, New Delhi. Learned counsel for the petitioner could give no answer.

7. We find that neither in the departmental appeal filed by him nor in the writ petition the petitioner has relied upon any document, other than the tainted certificate in question, as per which he could make good his stand that he was domiciled in Delhi and was entitled to the OBC Certificate to be issued from the SDM at Delhi.

8. We highlight that the letter offering appointment to the petitioner clearly indicated that the petitioner would be confirmed only upon the verification of certificates supplied by him to the department and thus the petitioner cannot make an issue with respect to an inquiry not being held on the subject.

9. Suffice would it be to state that the matter is not of a kind where inquiries are warranted. If a person is offered appointment subject to certificates furnished by him being subjected to a verification, and if the verification reveals that the certificates were not genuine, before confirmation the department would be entitled to take appropriate action without reverting to the candidate concerned. We would also highlight that the petitioner had a departmental appellate remedy, which he availed, and at that stage he could have relied upon such material which he had to establish to the contrary. He did not do so. No material to the contrary has been provided to us alongwith the writ petition.

10. The writ petition is accordingly dismissed but without any order as to costs.

(PRADEEP NANDRAJOG)
JUDGE

(MANMOHAN SINGH)
JUDGE

OCTOBER 19, 2012
skb