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

Date of decision: 19th August, 2026

CNR No. DLHC010466012023

+ **W.P.(C) 15017/2023**

EX-CT/GD SHIV KUMAR

S/O SHRI CHANDRA PAL

R/O-HOUSE NO.6, BALAJI LAYOUT,

2nd MAIN, 5th CROSS, VIDYARANYAPURA,

BANGALORE-560097.

...PETITIONER

Through: Mr. Shanker Raju, Senior
Advocate with Mr. A.K.
Trivedi, Mr. Yash Jangra and
Mr. Ankur Rawal And Ms.
Perna Deep, Advocates

Versus

1. UNION OF INDIA

**THROUGH ITS SECRETARY,
MINISTRY OF HOME AFFAIRS
NORTH BLOCK, NEW DELHI**

... RESPONDENT NO. 1

2. THE DIRECTOR GENERAL

**SASHASTRA SEEMA BAL
BLOCK-V (EAST), RK PURAM,
NEW DELHI-110066.**

... RESPONDENT NO. 2

3. THE DY INSPECTOR GENERAL

**SECTOR HQs, SSB BEZPARA
AT NIZ SHYAMABARI, MANGALDOI,**



DISTT. DARRANG, MANGALDOI, ASSAM.

... RESPONDENT NO. 3

4. THE COMMANDANT

37TH BATTALION, SSB, MANGALDOI (ASSAM)

... RESPONDENT NO. 4

Through: Ms. Richa Dhawan (SPC), Mr. Anuj Chaturvedi, Ms. Yashita Jain, Ms. Sneha Tanwar, Mr. Sahil Bhaskar, Advs. For UOI.

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE AMIT SHARMA

JUDGMENT (ORAL)

NITIN WASUDEO SAMBRE, J.

1. We have heard the respective counsels for the parties.

2. The prayer in the present writ petition reads thus:

(i) Quash/set aside the Impugned orders dated 14/16.01.2020 in respect of petitioner, Order 19/08/2020, imposing the penalty of Termination from Government service by removal and appellate authority's order dated 15/01/2021 declaring as illegal unjust, arbitrary, discriminatory and against the rule and law on the subject.

(ii) Call for the report of enquiry/verification conducted by the SSB personnel alongwith civil police after termination of the services of the petitioner.

(iii) Direct the respondents to depute an officer to investigate and verify the above Domicile certificate, Residence Certificate and Caste Certificate from the competent issuing authority in respect of the petitioner and if found genuine, the petitioner may be re-instated in service w.e.f. the date of termination dated 19/08/2020 with all consequential benefits accruing therefrom.

(iv) Issue a Writ of Mandamus or any other writ/directions/orders as may be deemed just and proper in the facts and circumstances of the case.

(v) Award Cost;



3. The prayer in the present petition is for quashing of the impugned orders dated 14th/16th January, 2020 in respect of the petitioner. *Vide* order dated 19th August, 2020, the penalty of Termination from Government service by removal has been imposed and the order of the appellate authority dated 15th January, 2021 *vide* which the aforesaid view of the authority directing termination has been endorsed.

4. The facts necessary for deciding the present petition are as under:-

- a) In the year 2015, the Staff Selection Commission, New Delhi issued a notification for selection to the post of Constable (GD) in CAPFs, NIA & SSF and Riflesman (GD) in Assam Rifles Examination, 2015.
- b) The petitioner, having qualified the said examinations, was issued the offer of appointment on 31st August, 2017 and accordingly, he joined the SSB as Constable (GD) on 31st August, 2017. The petitioner, thereafter, on the completion of his training, was posted to 37th BN, SSB, Mangaldoi, Assam.
- c) The Appointment Letter dated 25th July, 2017 provides thus:-

“i) On joining the Force, he will be governed by the Sashastra Seema Bal Act 2007 & Rules 2009, manuals & other rules/orders as issued and amended from time to time by the Government.

ii) The appointment is purely temporary but likely to continue. He will be on probation for a period of 02 (Two) years from the date of appointment. The competent authority, as prescribed under SSB Rules may, for the reasons to be recorded in writing, extend the period of probation for such further period or periods not exceeding two years or may during the period of probation, terminate his services without assigning reasons. His permanent appointment to the post, however, will depend upon



various factors governing terms of permanent appointment to such post in Force at that time.

iii) His services on being a temporary Government servant shall be liable to terminate at any time by a notice in writing given either by him to the appointing authority or by the appointing authority to him. The period of notice shall be one month: provided that the services may be terminated forthwith and on such termination he shall be entitled to claim a sum equivalent to the amount of pay plus allowances for the period of the notice at the same rates at which he was drawing them immediately before the termination of his services or, as the case may be, for the period by which such notice falls short of one month."

- d) A letter dated 12th May, 2016 was addressed to the Superintendent of Police, Central Bureau of Investigation ('CBI'), Bengaluru by the Inspector General (Spl Ops), Border Security Force ('BSF'), Bengaluru. Vide the said letter, it was informed that unfair means, in the form of corruption, were being taken recourse to, in the matter of recruitment at STC, BSF, Bengaluru. It was further informed that involvement of a large number of personnel including senior officers from the BSF was suspected, and as such, a request for investigation in the matter was made.
- e) Consequently, the CBI had registered a case-RC 11 (A)/2016-CBI/ACB/BLR dated 12.05.2016 under Section 120-B read with 420, 467, 468 & 471 of the Indian Penal Code, 1860 and Section 8, 12 and 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988 ('PC Act, 1988')
- f) The aforesaid registration of offence against the petitioner had further prompted the CBI to file a charge-sheet in the matter and, accordingly, on 20th October, 2019, the charge-sheet came to be submitted against 167 persons, including the name of the



petitioner as an accused, under Section 120-B read with 419, 420, 468, 471 & 473 of the Indian Penal Code, 1860, and substantive offences, thereof leading to the registration of CC No. 29188/19.

- g) Accordingly, the CBI issued a letter dated 17th September, 2019 to the Ministry of Home Affairs recommending the cancellation of selection of 165 candidates.
- h) In turn, the Show Cause Notice (**'SCN'**) dated 15th July, 2020 was issued to the petitioner alleging that upon the verification of the Character and Antecedents, school certificate, address mentioned in the Enrolment form, Application Form for the post of Constable (GD) in CAPFs, NIA, SSF, and Rifleman in Assam Rifles 2015, it was clear that the petitioner has obtained domicile certificate on the basis of fake documents and furnished false information at the time of enrolment.
- i) The petitioner, in turn, submitted a Written Explanation to the SCN *vide* Reply dated 05th August, 2020 alongwith certain documents.
- j) The respondents, thereafter, in exercise of the powers vested under Section 11 (2) of Sashastra Seema Bal Act, 2007 read with Rule 179 and prescribed under Rule 18 of SSB Rules, 2009 read with Rule 23 of SSB Rules, 2009, passed the impugned order dated 19th August, 2020, whereby, the services of the petitioner were terminated by removal, with effect from 19th August, 2020, on the ground of furnishing false or incorrect information at the time of enrolment.
- k) Aggrieved by the Impugned Order dated 19th August, 2020, the



petitioner preferred an appeal, and the said appeal also came to be dismissed *vide* impugned order dated 15th January, 2021.

5. As such, the petitioner has filed the present writ petition under Article 226 of the Constitution of India.

6. Learned senior counsel appearing for the petitioner has invited our attention to a confidential communication dated 14th January, 2020 addressed by the Under Secretary, Government of India to the DIG, CRPF. As per the said communication, the learned senior counsel for the petitioner has urged that the CBI letter dated 17th September, 2019 was forwarded and it further speaks of the fact that the competent authority has approved the recommendation of the CBI to cancel the candidature of 165 candidates (Examination for recruitment of Constable(GD) in CAPFs, Assam Rifles-2015). A specific precaution is mentioned in *para* 2-5 of the forwarding letter which was required to be observed, in the matter of compliance.

7. Learned senior counsel for the petitioner would urge that the aforesaid communication dated 14th January, 2020 precedes the SCN dated 15th July, 2020 and it is urged that the decision to cancel the candidature/appointment of the petitioner was already taken at the government level and the SCN and consequential orders were a farce that was created by the respondents, so as to demonstrate that they have offered an opportunity of hearing to the petitioner.

8. Further contentions of the learned senior counsel for the petitioner are that the SCN was issued on 15th July, 2020, which speaks of the petitioner having obtained domicile certificate on the basis of fake documents and that the same was found to be based on



the false information. Neither the SCN nor any other documents specify as to which fake documents or false information was used by the petitioner so as to obtain the domicile certificate.

9. The learned senior counsel for the petitioner states that based on the instructions, which are available on the website of the Karnataka Government, a person who is residing in state of Karnataka for a period of six years is eligible for issuance of the resident certificate/domicile certificate.

10. He would urge that Authority from the State of Karnataka has engrossed that the certificate issued in favour of the petitioner is authentic and still holds the field. The domicile certificate which was relied on by the petitioner for seeking employment with the respondent continues to remain authentic as it has not been cancelled by either of the authorities.

11. As such, it is urged that the respondents cannot sit in an appeal over the order of the domicile certificate in favour of the petitioner or question the legality or genuineness of the said certificate in absence of there being any evidence adverse to the said effect.

12. The learned senior counsel for the petitioner has specifically invited our attention to the domicile certificate issued on 28th February, 2011, thereby certifying that the petitioner was residing in the State of Karnataka for 10 years. He has also invited our attention to the residential certificate issued in favour of the petitioner on 13th May, 2015, wherein it is specifically mentioned that the petitioner is residing in the State of Karnataka at the address mentioned therein for a period of about seven years.

13. The learned senior counsel appearing for the petitioner would



further invite our attention to the fact that even upon perusal of the F.I.R. registered against the petitioner as well as the memo submitted to the competent Court, there is no *iota* of evidence to infer that the petitioner has produced any fake documents to secure the domicile certificate.

14. He would further urge that the neither the revenue officers nor any third party has been impleaded as an accused by the CBI and, as such, the charges of corruption levelled against the petitioner in regard to obtaining the domicile certificate, cannot be formed to be a basis for termination of his service.

15. Further reliance is placed on the police verification certificate dated 14th April, 2023 so as to claim that there are no criminal antecedents and the authenticity of the resident certificate can be inferred from *Annexure P-12* and *Annexure P-13*, which was duly issued by the competent authorities.

16. As such, it is urged that not only the order was passed with a pre-determined view, but neither the material which is sought to be vaguely relied in the SCN was made available as well as no opportunity of personal hearing was offered to the petitioner. It is further urged that even the Appellate Authority has failed to apply its mind to the aforesaid grounds.

17. So as to substantiate the aforesaid contentions, the learned senior counsel for the petitioner has relied on the judgment of Apex Court “**Ex. Squadron Leader R. Sood v. Union of India & Ors.**” Civil Appeal No.6929-6930/2009, decided on 15th April, 2026. According to him, para 33 of the said judgment in categorical terms deal with the aforesaid contentions.



18. As against above, the counsel for the respondents would strenuously urge that the order is quite justified in the factual matrix of the case in hand.

19. According to him, the report of the IG submitted to the CBI sufficiently speaks of the recourse being taken by the officers who are involved in the recruitment process of BSF by indulging into corruption and favouring the candidates who were selected.

20. It is urged that the communication addressed by the Government of India on 14th January, 2020, is based on the material that was available with the Government as against the petitioner, wherein *prima facie*, it can be inferred that there is an element of corruption in the matter of recruitment.

21. It is further urged that the perusal of the SCN dated 15th July, 2020 reflects that sufficient material was referred to in the SCN, so as to infer that the petitioner has not only mentioned various places of his residence in the State of Bangalore but also the fact that the petitioner has a certification that he was domicile of Bangalore from 2011-12 to till this date while he was studying in Noida for the period from 2009 to 2011.

22. It is that the aforesaid has prompted the respondents to form an opinion that the documents which were produced by the petitioner for the purpose of securing the domicile certificate were not genuine but rather fake and the factual matrix for such claim was found to be not proved.

23. It is as such urged that the petitioner who is part of a disciplined force is not expected to conduct himself in a manner that is reflected in the impugned order as prompting such conduct will give rise to



prompting indiscipline in the disciplined armed forces.

24. He would further urge that even if the impugned order does not refer to any specific documents on the basis of which it has been observed that the petitioner has obtained the domicile certificate, however, the instances as regards to the various addresses referred to by the petitioner in his application form, upon due verification, has rightly prompted the authority to pass the impugned orders.

25. As such, in this background it is urged that the impugned orders are quite sustainable and the present writ petition is liable to be dismissed.

26. Having considered the rival claims, we are required to be sensitive to the very observations of the Apex Court in the matter of **Ex. Squadron Leader R. Sood(Supra)**. The Apex Court in *para* 33 of the said judgment has observed that a restraint has to be maintained in the matter of examining the sufficiency or adequacy of evidence in disciplinary matters. The Court has further observed that where no regular inquiry was conducted and the delinquent was deprived of an opportunity to test the evidence, the scope of judicial view necessarily becomes a bit more enthuse.

27. The fact remains that in the case in hand, the SCN was duly served on the petitioner. The perusal of the SCN reflects that the petitioner has mentioned his place of birth as Nanglakashi, District Hapur, State of Uttar Pradesh in the enrolment form, whereas, in the verification form, the petitioner has mentioned his residential address as Main Balaji Layout, Bangalore, Karnataka.

28. The SCN further refers to the domicile certificate issued by the Government of Karnataka wherein the address of Bangalore is



mentioned, whereas the address mentioned in the leave application is that of Bangalore as well.

29. The SCN further refers to the fact that the petitioner was shown to be a student of *NIOS, Noida* for a period from 2009 to 2011. As such, the SCN speaks of the fact that from 2009 to 2011, the petitioner was at *Noida*, Uttar Pradesh but however, he was shown to have been residing at the Bangalore address from 15th March 2010 to 31st August, 2017, which was provided when the petitioner applied for the post of CT(General Duty).

30. It is further urged that the SCN also refers to the investigation carried out by the CBI in the matter of the offences punishable under the IPC and the PC Act. Additionally, the petitioner was informed to have been charge-sheeted in the matter.

31. We are not commenting on the aforesaid issue as the criminal trial is being conducted against the petitioner, however, we are required to be sensitive as to what material was available with the respondents in passing such an extreme order of termination from the service.

32. The admitted facts which are borne out of record are that the domicile certificate dated 28th February, 2011 and the residential certificate dated 13th May, 2015 are genuine, authentic documents and are still holding the field. These documents have not been not cancelled by any of the State Authorities.

33. Apart from the above, the respondents have never approached the State Authorities for cancellation of these certificates which, according to them, were obtained by the petitioner by submitting fake documents or incorrect information. As such, the fact remains that the



domicile certificate and the residential certificate referred above still holds good in the eyes of law.

34. Apart from the above, it can be inferred from the instructions available on the website of the Karnataka Government that a residential certificate can be issued to a person who is residing in the State of Karnataka for a period of 06 years or more.

35. The fact remains that the certificates, particularly, the domicile certificate indicates that the petitioner was residing in State of Karnataka for the last 10 years.

36. Once the competent Revenue Authority, who, in law, is competent in issuing the domicile certificate, has certified that the petitioner has been residing in the State of Karnataka for a period of more than 10 years, we fail to understand as to what was the adverse material available with the respondent to draw such inference by sitting in an appeal questioning the legality of such a certificate.

37. The respondents are not the competent authority to decide as to whether the domicile certificate issued by the Revenue Authority of the State Government is a genuine document or not.

38. In this background, merely because the petitioner was taking education from the year 2009 to 2011 in State of Uttar Pradesh at Noida, that by itself will not give rise to he having lost the domicile of State of Karnataka as the petitioner was in the State of Uttar Pradesh at Noida only for a temporary purpose *i.e.*, for undergoing education and Noida was not a place of permanent abode for him.

39. He continues to be a domicile of the State of Karnataka, but his temporary residence is based in the State of Uttar Pradesh *i.e.*, *Noida*.

40. In such an eventuality, such material *viz.*, his temporary



residence at Noida cannot be considered for the purpose of drawing an inference that the petitioner has furnished false information for obtaining the domicile certificate.

41. Apart from the above, rightly so, the counsel for the petitioner has pointed out that it was a pre-decided issue that the service of the petitioner has to be terminated as per the communicated dated 14th January, 2020, which reads thus:-

TRUE TYPED COPY

CONFIDENTIAL

F.NO.145020/32/2019/Pers.III/CF-3471551
Government of India
Ministry of Home Affairs
Police II Division/Pers.II

North Block, New Delhi,
Dated: 14th Jan, 2020

Sub- RO.II(A)/2016-BLR against Shri Chandrasekhar, Constable, STC BSF Bangalore and Other – Forwarding of CBI Report- Reg.

With reference to the above subject matter, the undersigned is directed to forward herewith a copy of CBI letter no.C2/R.C.11/2016/CBI/ACB/BLR/2019/3851 Dated 17.09.2019

2. The Competent Authority has approved the recommendation of the CBI to cancel the candidature of 165 candidates, (Examination for recruitment of Constable (GD) in CAPFs, Assam Rifles- 2015). The details are at Annexure I & V of the said report Extracts of these Annexure- I & V are enclosed herewith.

3. The Precaution stated in paras 2 to 5 to the forwarding letter may be kept in view for compliance.

4. CRPF may accordingly take farther necessary action and intimate the same to this ministry in due course.

Sd/- 16.1.20
(S.Muthukumar)
Under Secretary
Tele No. 23092527

To,
DIG(Recn), CRPF

Copy to
1. Supdt. Of Police(ACB), CBI, Bangalore
2. SSC, New Delhi

42. A plain reading of the communication dated 14th January, 2020 demonstrates that, already, a decision was taken to cancel the candidature of 165 candidates including the present petitioner.

43. Apart from the above, not only the SCN lacks the relevant



material, the details and the documents based on which the SCN is issued but also, the SCN was too vague to answer. Also, the reply given by the petitioner to the SCN is at all not dealt with, by the respondents, in a detailed manner, much less, by granting a personal opportunity of hearing.

44. By issuing an appointment order to the petitioner and the petitioner upon the successful completion of his training course, acquired a place for himself in the service. The moment his services are terminated by the respondents, such decision has an adverse civil consequence viz., the petitioner loses his job.

45. In such an eventuality, the least that was expected of the respondents was not only to grant the petitioner all the documents which they intended to rely upon in the SCN, but also the respondents should have granted a personal opportunity of hearing to the petitioner.

46. Even the perusal of the impugned order does not speak of there being any sufficient reason to justify or hold the said order in law to be just and proper.

47. Rather, we have reasons to believe that respondents have only created a farce of issuing a SCN and calling for explanation from the petitioner because the decision of the Central Government to terminate the services of the petitioner and other candidates had already been taken as can be inferred from the Communication dated 14th January, 2020 even before the passing of the impugned order.

48. In this background, we are of the view that the order impugned is not sustainable, as such the writ petition stands allowed in terms of *prayer clause (i)*.



49. We direct the petitioner to be reinstated forthwith in service.
50. We further clarify that the petitioner shall be given seniority with his batchmates.
51. As regards the grant of back wages, we permit the petitioner to make a representation to that effect to the respondents which may be considered and dealt with, in accordance with law, within a period of 08 weeks from today.
52. Needless to clarify that seniority of the petitioner must be maintained.
53. Counsel for the respondents state that since the petitioner is out of service since the past 06 years, the effect and operation of this order be stayed for a period of 04 weeks from today.
54. The counsel for the petitioner opposes the prayer.
55. However, in the facts and circumstances, we stay the effect and operation of the present order for a period of 04 weeks from today.
56. Copy of the judgment be uploaded on the website of this Court.

**NITIN WASUDEO SAMBRE
(JUDGE)**

**AMIT SHARMA
(JUDGE)**

AUGUST 19, 2026/sky/ga