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

+ W.P.(C) 12007/2015

MAHIPAL SINGH Petitioner

Through: Mr. Ashwini Kumar Mishra and
Mr. Paritosh Kumar Singh,
Advocates

versus

UNION OF INDIA & ORS Respondents

Through: Ms. Perna Mehra, Advocate for
respondents No.1 to 5

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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11.03.2016

C.M.31851/2016 (Exemption)

Allowed subject to all just exceptions.

W.P.(C) 12007/2015 & C.M.31850/2015 (Stay)

1. The present petition has been filed by the petitioner praying *inter alia* for quashing of the charge-sheet dated 17th August, 2014 (signed on 17th August, 2015) [Annexure-16], issued by the respondent No.4, levelling allegations of serious misconduct against him including misleading the administration, making false declaration and inaccurate statements in violation of the RPF Rules, 1987.

2. At the outset, Ms. Mehra, learned counsel for the respondents states that the present petition is premature for the reason that without

approaching the respondents No.1 to 3 for requesting them to stay their hands till the petitioner approaches the Scrutiny Committee constituted by the State of Rajasthan in terms of the directions issued by the Supreme Court in the case of Kumari Madhuri Patil and Another v. Addl. Commissioner, Tribal Development and Others reported as (1994) 6 SCC 241 and reiterated in the cases of Baswant v. State of Maharashtra reported as (2007) 12 SCC 800 and Dayaram v. Sudhir Batham and Ors. reported as (2012) 1 SCC 333, wherein the procedure for issuance of social status certificates, their scrutiny and approval, has been laid down, the petitioner has rushed to the court.

3. It is stated by learned counsel for the respondents that in the present case, at the time of his appointment to the post of a Constable with the Railway Protection Special Force (RPSF), the petitioner had submitted a caste certificate dated 1/9/1999, issued by the Tehsildar, Tehsil Mahwa, District Dausa, Rajasthan, which was duly accepted. Based on the said caste certificate, the petitioner was appointed as a Constable on 10th September, 2007. After sometime, in the year 2011, the Commanding Officer of the 1st Battalion RPSF, Lumding, who was also the Commanding Officer of the petitioner's brother, Vinay Kumar and had submitted a similar caste certificate, had directed verification of the said caste certificate. In the course of the verification, it had transpired that both, the petitioner and his brother, Vinay Kumar had submitted caste certificates obtained from the Tehsildar, Tehsil Mahwa, District Dausa, Rajasthan claiming to belong to Meena community whereas, they were actually residing in village Jhirazpur P.S., Ahmadgarh, District Bulandshahr.

4. Subsequently, on 28/29th September, 2011, based on the contradictory reports received from the District Magistrate and Additional District Magistrate, Dausa, Rajasthan about the genuiness of the said caste certificates, inquiry proceedings were initiated against the petitioner. Before initiating the inquiry proceedings, a show-cause notice was issued to the petitioner on 29th February, 2012, and he had submitted a reply on 18th March, 2012. Thereafter, the respondents proceeded to issue the impugned charge-sheet.

5. Learned counsel for the petitioner submits that the action of respondents of issuing the charge-sheet to the petitioner without forwarding the caste certificate submitted by him to the Scrutiny Committee of the Rajasthan State, is patently illegal and arbitrary.

6. Counsel for the respondents submits that to cut short the controversy, the respondents are willing to refer the aforesaid caste certificate submitted by the petitioner to the Scrutiny Committee constituted by the Rajasthan State Government for obtaining a report.

7. In view of the aforesaid submission, it is deemed appropriate to dispose the present petition with directions issued to the respondents No.1-5 to forward the caste certificate submitted by the petitioner, at the time of his appointment to the post of a Constable with the R.P.S.F., to the Scrutiny Committee constituted by the Rajasthan State Government and obtain a report. Till a report is submitted by the Scrutiny Committee, the respondents shall stay their hands in respect of the inquiry proceedings initiated against the petitioner on the basis of the charge-sheet dated 17th August, 2015.

8. Immediately upon the respondents No.1 to 5 forwarding the said

caste certificate of the petitioner for verification to the Scrutiny Committee, it shall examine and verify the same and submit its report to the respondent No.5 as expeditiously as possible, and preferably within six weeks from the date of receipt thereof.

9. The respondents No.1 to 5 shall forward a copy of this order to the office of the Scrutiny Committee, Government of Rajasthan, for perusal and compliance.

10. The petition along with the pending application is disposed of.

HIMA KOHLI, J

SUNIL GAUR, J

MARCH 11, 2016

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