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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4965/2017 & CM No.21434/2017 (directions)

CHAUDHARY KHITAV SINGH TANVAR Petitioner
Through Mr.Rajendra Kumar Rastogi, Adv.

versus

UNION OF INDIA AND ORS Respondents
Through Mr.A.K.Gautam and Mr.Ranbir S.
Chhillar, Advs. along with
Lt.Col.Ranganath Patil, Col. Anupam
Chaure and Col. Neeraj.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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06.09.2017

On 02.08.2017 the following order was passed:

“Counsel for the respondents submits that the candidature of the petitioner has not been cancelled.

2. The respondents’ rely on the circular dated 25th August, 2006, which requires full verification of domicile to rule out members of the militant organisations entering the Army. For this purpose, Army Recruiting Officers have to liaison and get confirmation from authorities at Tehsil level. There is also requirement to cross-check the domicility of the candidate with domicile certificate and educational certificate.

3. By subsequent circular dated 9th October, 2006, the recruitment wings are required to refer the case to the civil authorities for verification. Emphasis is

again made to 100% verification of the domicile certificate.

4. The petitioner claims that he is a resident of district Faridabad and has relied upon following documents:

(i) Sale deed in favour of his father dated 2nd February, 1999.

(ii) Police character verification certificate dated 4th November, 2016.

(iii) Police report dated 17th December, 2016

(iv) Haryana resident certificate dated 3rd October, 2016.

(v) Voter I Card issued by the Election Commission of India dated 19th January, 2016.

(vi) Aadhaar Card with the residential address of Faridabad issued for himself and his family members.

(vii) Ration card issued by the Haryana Government.

(viii) Electricity bill in the name of his father's elder brother.

(ix) Annexure R-10 to the counter affidavit, which is a certificate issued by the Tehsildar Faridabad that petitioner's father is a permanent resident of House No 50, Gali No 3, Indra Complex, Kheri Road, Nahar Pur Faridabad, Haryana.

5. The respondents, on the other hand, submit that as per information, the petitioner had passed class X from Bharatpur and class XII from Mathura in 2011 and 2014 respectively. They have made inquiries, as per which the mother and father of the petitioner are in the voters' list of Mathura constituency. Inquiries from the revenue authorities at Mathura reveal that the petitioner and his parents were residing in Mathura. Reference to the police report is made.

6. Counsel for the petitioner states that the

petitioner has been a domicile in district Faridabad. He submits that for better education and other reasons, had done class X and XII from Bharatpur and Mathura. Further, the petitioner's forefathers belong to village Mehrana, district Mathura, Uttar Pradesh. This, however, he submits cannot be a ground to disqualify the petitioner.

7. Counsel for the respondents states that they have not disqualified the petitioner and they are still open to recruitment of the petitioner in case he is a domicile of Haryana. He submits that the last date is 25th September, 2017. He requests that the Deputy Commissioner, district Faridabad, Haryana may be asked to conduct an inquiry and submit a report as to whether the petitioner was a domicile of Haryana.

8. In view of the aforesaid statement, we request the Deputy Commissioner, District Faridabad, Haryana to conduct an inquiry into domicile status of the petitioner and submit report in sealed cover before the Court within a period of one month from today. Copy of the papers filed by the petitioner and the respondents would be furnished by the respondents to the Deputy Commissioner for the said purpose. If required and necessary, an officer from the Deputy Commissioner's Office will visit the purported residence of the petitioner and ascertain facts. Report under sealed cover can be sent by speed post or given to the respondents.

9. Re-list on 6th September, 2017.

10. Copy of this order will be given dasti to the learned counsel for the parties under signature of the Court Master. Copy of this order will be also sent to the Deputy Commissioner, Faridabad, Haryana."

Report from the Deputy Commissioner, District Faridabad, Haryana has been received under sealed cover and opened. As per the said report, the petitioner was not domicile of Faridabad, Haryana. The Domicile Certificate No.HR/2016/6711 dated 03.10.2016 appears to have been issued on the basis of managed false report of Councillor which was recommended by the concerned Dealing Clerk and forwarded by the Zonal and Taxation Officer, Municipal Corporation, Faridabad on the basis of Ration Card and Voter Card. These cards were issued in the year 2013 and 2016 respectively. The requirement as per law, is that the person should be domicile or resident of Haryana for 15 years.

The aforesaid opinion has been formed on the basis of detailed inquiries conducted by the City Magistrate, Faridabad and Additional Deputy Commissioner, Faridabad who had made inquiries from the petitioner Khitav Singh and had recorded his statement. The findings are that the petitioner could not produce any documents in his name and in his father's name to show that they were resident of Faridabad for the last 15 years at the time of issuance of Domicile Certificate on 03.10.2016. Mere purchase of plot by a person would not prove that he or his family members were residing at the said address since the date of purchase of plot. As per the petitioner, construction on the plot was in the year 2005-06. The issuance of Ration Card in the year 2013 would only show that he had shifted there in the said year. No ration was issued on the Ration Card. Voter I.D. for both petitioner and his father were issued in the year 2016. The electricity connection in the plot was obtained in the year 2012 in the name of petitioner's uncle. Father of the petitioner had executed a General Power of Attorney regarding 30 sq.yds. land in favour of his brother in May

2008.

Copy of the said report is shown and read by the learned counsel for the petitioner in the Court. He has relied upon the report of Tehsildar and has submitted that they had personally visited the residence of the petitioner.

In view of the report now received, we are not inclined to accept the contention of the petitioner. The writ petition as well as pending application are accordingly dismissed. Report of the Deputy Commissioner would be kept on record. No costs.

SANJIV KHANNA, J

NAVIN CHAWLA, J

SEPTEMBER 06, 2017/vp