

\$~30

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

+ W.P.(C) 7846/2017

PRAM BISHNOI

..... Petitioner

Through Mr. Saurabh Ajay Gupta and Mr.
Nishant Bishnoi, Advocates.

versus

MINISTRY OF HOME AFFAIRS AND ORS.

..... Respondent

Through Mr. P.C. Yadav, Sr. Panel Counsel.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

%

06.09.2017

The petitioner had joined Sashastra Seema Bal as a Constable on 31st May, 2007.

2. The petitioner had applied for selection as a direct recruit to the post of Sub Inspector (General Duty) in the Limited Departmental Competitive Examination (LDCE), 2015.

3. The petitioner was selected vide the results declared in January, 2016. However, vide office order dated 10th February, 2016, the petitioner's candidature was cancelled as he was ineligible, on account of punishment of 28 days' imprisonment in Force custody from 14th December, 2011 to 10th January, 2012. This punishment was imposed vide order dated 14th December, 2011.

3. The petitioner was subsequently vide order dated 24th August, 2016 awarded punishment of 6 days for having made a false

declaration in the application for direct recruitment to the post of Sub Inspector (General Duty) as he had concealed earlier the punishment of 28 days of imprisonment in force custody from 14th December, 2011 to 10th January, 2012.

4. The petitioner accepts and admits that he had not mentioned and given details of punishment of 28 days' imprisonment in the application form. He submits that this was a bona fide mistake. Secondly, the petitioner has been denied right to participate and apply for the post of Sub Inspector through Limited Departmental Competitive Examination on account of punishment of 6 days' imprisonment for the false declaration in the earlier application for recruitment to the post of Sub Inspector (General Duty). This it is submitted amounts to double or dual jeopardy of penalty.

5. We have considered the contentions raised by the petitioner but do not find any ground or reason to interfere with the order dated 24th August, 2016, by which 6 days' punishment of imprisonment in force custody for making wrong and false declaration in the application form was imposed. False Declaration is an offence as per Section 38 (a) of the Sashastra Seema Bal Act, 2007. The requirement and mandate to give true and correct declaration was specifically mentioned in the application form. The order of punishment dated 24th August, 2016 records that on verification, it was found that the petitioner was awarded the aforesaid punishment of 28 days' imprisonment. Thus, undoubtedly the petitioner had made a false declaration in the application form, claiming that he had not been awarded any punishment during the specific period.

6. The rejection of the petitioner's candidature on 10th February, 2016 was on account of eligibility. The petitioner was ineligible as he was awarded and had suffered punishment.
7. The two punishments have their consequences and operate individually and independently.
8. The order dated 24th August, 2016 cannot be treated as an order imposing double penalty. This order dealt with the offence of false declaration in the official document.
9. The writ petition is accordingly dismissed without any order as to costs.

SANJIV KHANNA, J.

NAVIN CHAWLA, J.

SEPTEMBER 06, 2017
NA