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

+ **W.P.(C) 1018/2017**

SUNIL SHARMA

..... Petitioner

Through: Mr. Aakash Sirohi with Mr. Indra Lal,
Advocates.

versus

C.R.P.F. THROUGH THE DIRECTOR
GENERAL & ORS.

.... Respondents

Through: Mr. Jasmeet Singh, CGSC for UOI.

CORAM:

JUSTICE S. MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

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12.11.2018

CM APPL. 28492/2018 (Delay)

1. For the reasons stated in the application, delay of 42 days in filing the writ petition is condoned. The application is disposed of.

W.P.(C) 1018/2017

2. The challenge in this writ petition is to an order dated 19th July 2016 issued by the Commandant, 139 Battalion, CRPF, Bawana, New Delhi terminating the services of the Petitioner with effect from the date of expiry of a period of one month from the date on which the notice was served.

3. It is not in dispute that the Petitioner was enlisted in the CRPF on 9th January 2015 and allotted to the 139th Battalion. On completion of the

basic training, he reported to the said unit on 11th June 2016.

4. As part of the requirement for being enlisted in the CRPF, the Petitioner had to have a basic educational qualification. In support thereof, the Petitioner submitted to the Respondents a copy of a Class X pass certificate issued by Gurukul Viswavidyalaya, Vrindavan, Mathura showing that he had qualified in the exam conducted by the said institution in the year 2006.

5. It must be mentioned at this stage that the validity of the certificate issued by the said institution has been upheld by the judgment dated 7th August 2015 of the Allahabad High Court in *Gulab Tripathi v. State of Uttar Pradesh* [Writ-A No.35352/2015].

6. In their counter-affidavit filed in response to the notice issued in the present petition, the Respondents point out that in order to verify the authenticity of the certificate produced by the Petitioner, a copy thereof was sent to the said institution by the DIGP, GC (CRPF:Nagpur) by a letter dated 19th March 2016. A response was received from the institution by a letter dated 20th March 2016 stating that there was no record available with the institution regarding issuance of such certificate. In addition, it is pointed out that no classes or examinations were conducted by the said institution from 2003 to 2010. In other words, according to the institution, no such certificate, as produced by the Petitioner, was ever issued by it.

7. It is stated that, on the basis of the above response of the institution, the Petitioner's services, while he was still on probation, were terminated by invoking Rule 5(1) of the Central Civil Services (Temporary Service) Rules,

1965. It is pointed out that the initial appointment of the Petitioner was on a temporary basis and since he had not completed two years of service, his services were terminated by invoking the aforementioned rule.

8. Learned Counsel for the Petitioner has placed reliance on the decision dated 21st July 2016 passed by this Court in ***Arun Tomar v. Union of India*** [W.P.(C) 7284 of 2015 & connected matters] to urge that in a similar instance, this Court set aside the termination order and directed the Petitioners to be restored to service subject to fulfilment of other requirements.

9. The Court finds that there is an important distinction in the facts of the aforementioned decision in ***Arun Tomar***. There was no controversy in ***Arun Tomar*** as to whether at all a certificate was issued by the institution in that case. The only question was regarding the validity of the degree/certificate issued by the Gurukul Viswavidyalaya, Vrindavan, Mathura. After noticing that the Allahabad High Court had upheld the validity of such certificate, this Court in ***Arun Tomar*** took the view that the Respondents could not have terminated the services only on the ground of the institution not being recognised.

10. However, in the present case, the issue is not just about the recognition or the validity of the certificate of the Petitioner issued by the institution. Here it has been confirmed by the institution itself that it issued no such certificate as has been produced by the Petitioner. In fact, the institution has gone to the extent of stating that this was a forged document and a fake degree.

11. In the considered view of this Court, these facts take the Petitioner's case outside the purview of the decision of this Court in *Arun Tomar*. Even the decision of the Allahabad High Court will not come to his assistance. The Court finds no illegality in the impugned order passed by the Respondents. The writ petition is dismissed.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

NOVEMBER 12, 2018

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