

\$~

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

22

+

SHIV DAYAL

W.P.(C) 8961/2014

..... Petitioner

Through: Mr A.K. Mishra, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr Vivek Goyal, CGSC with Mr Ram
Krishan Kumar, Advocates.

CORAM:

JUSTICE S. MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

%

26.09.2019

1.The Petitioner applied for the post of Constable / General Duty ('Ct./GD') with the Central Reserve Police Force ('CRPF') and was recruited in the year 2011. He was posted with the 38th Battalion CRPF, Samba, Jammu and Kashmir.

2. On 15th November, 2012, the Petitioner was issued a notice of termination of service on the basis that the caste certificate produced by him at the time of recruitment, stating that he was a Scheduled Caste ('SC') from the State of Uttar Pradesh ('UP'), was a fake one. It appears that verification was undertaken of the caste certificate produced by the Petitioner, and the *Tehsildar*, Ghaziabad, U.P. informed the Respondents that the said caste certificate had not been issued from his office.

3. The aforementioned notice of termination dated 15th November, 2012, was served on the Petitioner on 22nd December, 2012. Prior thereto, the Petitioner is stated to have submitted a SC certificate bearing a different serial number, dated 9th January, 2013, and made a request that its authenticity should be verified. The DIGP, CRPF, Durgapur, Chhattisgarh by a letter dated 11th February, 2013 intimated that the submission by the Petitioner of two different caste certificates only further proved that the Petitioner had obtained the certificates by manipulation. In view of the above, with effect from 15th March 2013, the services of the Petitioner were terminated and he was struck off the strength of the 38th Battalion.

4. In paragraph 8 of the present petition, it is stated that the Petitioner had submitted a 'provisional' caste certificate issued by the U.P. Government and that after some time, he shifted to Delhi. According to him, at the time of the verification of the caste certificate produced by him, the Petitioner had left his address in U.P. and it was for this reason that the caste certificate produced by him could not be verified.

5. The above submissions overlooks the fact that the *Tehsildar*, Ghaziabad, declined to verify the caste certificate on the ground that it was not issued, in the first place, from his office, and not on the ground that the Petitioner was not found to be residing in U.P. at the relevant time.

6. What makes it worse for the Petitioner is that he now states in paragraph no.7 of the petition that he in fact is a permanent resident of Delhi; that he again applied to the Delhi Government for issuance of a new caste

certificate and that this was issued to him by the Executive Magistrate, Preet Vihar, Delhi on 17th April, 2013,

7. The fact that the Petitioner has obtained a fresh caste certificate itself is an indicator that he does not wish to stand by the earlier caste certificate produced by him at the time of his recruitment in the CRPF. It appears that earlier the Petitioner filed W.P.(C) No.4254/2013 in this Court, which was disposed of by an order dated 29th November 2013, directing the Respondents to consider the Petitioner's said petition as an appeal under Rule 5 (2) (a) of the CCS (Temporary Service) Rules, 1965 and pass a reasoned order thereon within a period of two months.

8. Pursuant to the said order of this Court, the Inspector General of Police (IGP), North Sector passed a fresh order on 28th January, 2014, rejecting the appeal of the Petitioner essentially on the ground that the Petitioner had submitted wrong information and a false certificate at the time of his recruitment. The appeal against the said order was also rejected by the IGP on 25th August 2014, which is also under challenge in the present petition.

9. Having heard learned counsel for the parties, the Court finds that there exists no ground for the Court to interfere with the impugned orders. It appears to the Court that the Petitioner had no answer for production of a caste certificate from the State of U.P. on more than one occasion, which could not be verified as to their authenticity. With the *Tehsildar* in Ghaziabad reporting that no caste certificate was in fact issued from his office in favour of the Petitioner, and with the Petitioner himself applying

afresh for a caste certificate in Delhi, it is apparent that the caste certificate produced by him at the time of his recruitment in the CRPF, was not genuine.

10. In that view of the matter, there is no merit in this petition. It is accordingly dismissed. No costs.

S. MURALIDHAR, J.

TALWANT SINGH, J.

SEPTEMBER 26, 2019

rd