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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5271/2024, CM APPLs. 21573/2024 & 23823/2024

ROHIT KUMAR PRAJAPATI

..... Petitioner

Through: Mr. Abhay Kumar Bhargava,
Mr. Satyaarth Sinha and
Ms. Anoushka Bajpai, Advs.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Santosh Kumar Rout, Sr. PC with
Mr. Amit Acharya, GP, Mr. Aman
Mehrotra, Mr. Ganesh Singh,
Mr. Achin Saxena and
Mr. Saranjeet Singh, Advs. for UOI

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

25.04.2024

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1. This petition has been filed by the petitioner with the following prayers:

“In the light of above-mention facts and circumstances, this Hon'ble Court may graciously be pleased to:

(i) Issue a Writ of Certiorari or any other appropriate writ, order or direction thereby calling for records and quash the impugned order dated 01.03.2024 issued by the IG FTE HQ (SPL OPS) BSFCG.

(ii) Issue a Writ of Mandamus or any other appropriate writ, order or direction thereby directing the respondents to reinstate the petitioner is service along with all the service benefits.

(iii) Pass any other order this Hon'ble Court may deem fit.”

2. In effect, the petitioner is challenging the order dated March 1, 2024 passed by the respondents whereby the services of the petitioner as Constable (GD) in Border Security Force were terminated on the ground of non-verification of the domicile certificate.

3. Various submissions have been made by Mr. Abhay Kumar



Bhargava, learned counsel appearing for the petitioner and Mr. Santosh Kumar Rout, learned Senior Panel Counsel appearing for the respondents. Mr. Rout has heavily relied upon the verification report dated February 1, 2024, of the SDO, District Bastar, Chhattisgarh wherein, according to Mr. Rout, it is stated that the domicile certificate as submitted by the petitioner was not issued by the Tehsildar. In other words, the same cannot be construed as a domicile certificate to determine the eligibility of the petitioner for the post of Constable (GD).

4. Mr. Bhargava states that the said report was not put to the petitioner before impugned action was taken.

5. Having noted the submissions made by the learned counsel for the parties, we deem it appropriate to dispose of the writ petition by directing the petitioner to submit a representation based on the stand taken by the respondents in their counter affidavit including the verification report dated February 1, 2024 submitted by the SDO within two weeks from today. On receipt of the said representation, the respondents shall decide the same in accordance with law within three weeks thereafter.

6. It goes without saying that further action need to be taken by the respondents in accordance with law.

7. The writ petition is disposed of.

CM APPLs. 21573/2024 & 23823/2024

Dismissed as infructuous.

V. KAMESWAR RAO, J

AMIT BANSAL, J

APRIL 25, 2024/aky