



2024:DHC:7656-DB



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

Date of Decision: 03.10.2024

+ W.P.(C) 13854/2024
PANKAJ YADAV

.....Petitioner

Through: Mr. Sahil Mongia, Ms. Sanjana
Samor and Mr. Yash Yadav,
Advs.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr. Jivesh Tiwari, SPC with
Mr. Sarvesh P. Shrivastava,
Adv. and Sh. RPS Sambhyal,
AC and SI Atul Sen, CISF.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

J U D G M E N T

NAVIN CHAWLA, J (ORAL)

CM APPL. 58004/2024-Ex.

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 13854/2024, CM APPL. 58003/2024

3. This petition has been filed by the petitioner under Article 226 of the Constitution of India seeking the following reliefs:

“i. Issue a writ in the nature of certiorari and/or any other appropriate writ of the like nature and/or directions to quash and set aside the impugned letter dt. 23.04.2024 issued by the Respondent no. 3 whereby the Respondent no. 3 mechanically referred the

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candidature of the Petitioner to the Standing Screening Committee solely for the reason that the name of Petitioner reflected in some FIR ignoring the factum that the Court of Ld. Additional Civil Judge (C.D.), Court No. 4/A.C.J.M., Ghaziabad in case no. 11577/2021 has acquitted the Petitioner in case FIR no. 751/2021 vide Acquittal Order dt. 18.03.2024 and;

ii. A writ of mandamus and/or any other appropriate Writ of the like nature and/or directions to the Respondents to permit the Petitioner to continue to undergo ongoing training in terms of the Petitioner's joining letter dated 28.02.2024 for the post of Head Constable (Ministerial) in CISF and;

iii. A writ of mandamus and/or any other appropriate Writ of the like nature and/or directions to the Respondents to grant all consequential benefits including seniority on notional basis to the Petitioner."

4. It is the case of the petitioner that the petitioner had applied for the post of Head Constable (Ministerial) in the Central Industrial Security Force (in short, 'CISF'), and after undergoing the entire selection process, was issued a joining letter dated 28.02.2024. However, when he reported at the Regional Training Centre, Arakkonam, Vellore, Tamil Nadu, he was not allowed to join the training. Instead, he was referred to the Standing Screening Committee, by an Order dated 23.04.2024, as there was an FIR No. 751/2021 in which he had been named as an accused.

5. The learned counsel for the petitioner submits that the said FIR was registered on 25.07.2021 due to a minor scuffle amongst neighbours; the dispute was immediately settled between them; and in fact, by a Judgment and Order dated 18.03.2024, passed by the learned

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Additional Civil Judge (C.D.), Court No. 4/A.C.J.M., Ghaziabad in Case no. 11577/2021, the petitioner has already been acquitted of the said charges.

6. The learned counsel for the petitioner further submits that the Standing Screening Committee may take long to consider the case of the petitioner and in the meantime, the petitioner may be gravely prejudiced by not being permitted to join the training.

7. The learned counsel for the respondents, who appears on advance notice, submits that the petitioner has not disclosed whether he has submitted the documents with respect to his acquittal in the abovementioned FIR before the Standing Screening Committee.

8. Be that as it may, considering the contents of the petition and having considered the submissions made, it is directed that the respondents shall consider the present petition as a representation of the petitioner, and the Standing Screening Committee shall decide the same within a period of 10 days from today.

9. The respondents, while considering the representation of the petitioner, must keep in view the nature of the allegations against the petitioner in the said FIR and the fact that the petitioner has already been acquitted in the said case.

10. A reasoned and speaking order shall be passed by the Standing Screening Committee within the above period and shall be communicated to the petitioner.

11. In case the petitioner is aggrieved of the order passed by the respondents, it shall be open to the petitioner to challenge the same, in

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accordance with law.

12. The petition is disposed of with the above directions.

13. *Dasti.*

(NAVIN CHAWLA)
JUDGE

(SHALINDER KAUR)
JUDGE

OCTOBER 3, 2024/ss/B

Click here to check corrigendum, if any

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