



2024:DHC:8877-DB



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

Date of decision: 14.11.2024

+ W.P.(C) 13913/2024 & CM APPL. 58248/2024

VIKAS NAGAR

.....Petitioner

Through: Mr. Sahil Mongia, Mr. Yash
Yadav & Ms. Sanjana Samor,
Adv. with petitioner in person.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr. Jitesh Vikram Srivastava,
SPC with Mr. Prajesh Vikram
Srivastava, Adv.
AC Raj Kumar, CISF.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (ORAL)

1. Pursuant to our Order dated 04.11.2024, the learned counsel for the respondents has produced before us the Board proceedings of the 19th Standing Screening Committee Meeting (29th sitting) held on 26.07.2024 at APS-I Hqrs, New Delhi - Case No.19, whereby the petitioner was declared “*unsuitable*” for employment in the Central Industrial Security Force (in short, “CISF”). The Standard Screening Committee has taken note of the Order dated 23.02.2024 passed by the High Court of Allahabad in Application No.2115/2024, titled



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Vikas Kumar & Ors. v. State of UP & Anr., by which the further proceedings in the criminal case that is pending against the petitioner had been stayed. However, the Screening Committee has opined that as the charges against the petitioner are serious in nature and chargesheet against the petitioner already stands filed, he is “unsuitable” for employment in CISF.

2. While we are cognizant of the position in law that normally the courts would be circumspect in interfering with the opinion of the employer/screening committee in matters of judging the suitability of a candidate for appointment, we are unable to agree with the findings and the opinion of the Screening Committee in the present case.

3. In the present case, as has been noted in our Order dated 03.10.2024, the criminal case has arisen out of a matrimonial dispute between the petitioner and his wife. The proceedings in the said criminal case have been stayed by the High Court of Judicature at Allahabad *vide* its Order dated 23.02.2024 referred hereinabove. The petitioner cannot be made to suffer a punishment when the criminal case is yet to be adjudicated. We do not need to emphasise that in the matters of public employment, the opportunity does not come repeatedly and may never come for the petitioner again. The petitioner has been successful in obtaining the employment with the CISF based on his own merit and qualification. In case, the petitioner is not allowed to join, subject to the pendency of the criminal case, the petitioner may lose this opportunity for all times to come and this loss would never be compensated. On the other hand, in case he is eventually found guilty, the balance can be struck by making his



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appointment subject to the outcome of the criminal case and, in that event, directing that he would be terminated from service without any notice or following the rigours of an inquiry.

4. We, therefore, dispose of this petition by setting aside the impugned letter dated 03.09.2024, issued by respondent no.2. The petitioner shall be allowed to join the post of Constable DCPO in the CISF subject to the outcome of the criminal case, that is, Case No.6431/2023 arising out of the FIR No.322/2023 dated 30.08.2023, registered at Police Station Nakhasa, District Sambhal (Uttar Pradesh) under Sections 376/377/354/364/511/323/504/506/452 of the Indian Penal Code, 1860, and pending before the Competent Court at Sambhal. In case the petitioner is eventually convicted in that case, the respondents shall be free to terminate the services of the petitioner, without the petitioner having any equity in his favour due to this Order or his service rendered in the interim. We further clarify that the petitioner shall not be entitled for any service benefits for the service that is rendered by him, in case of his conviction, except for the pay that he has earned for that period.

5. The petition is disposed of in the above terms.

NAVIN CHAWLA, J

SHALINDER KAUR, J

NOVEMBER 14, 2024/ab/sk/as

Click here to check corrigendum, if any