



2025:DHC:8578-DB



\$~77

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1823/2024 & CM APPL. 59304/2024**
NARENDRA PAL SINGH SOAMPetitioner

Through: Mr. Vipin Chaudhary, Adv.

versus

**UNION OF INDIA THROUGH MINISTRY OF
HOME AFFAIRS, GOVT OF INDIA & ORS.Respondents**
Through: Mr. Pradeep Kumar Jha, SPC
for UOI

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

% **09.09.2025**

C.HARI SHANKAR, J

1. The petitioner, who had retired from the Indian Army, applied in response to a Notification dated 28 March 2015 issued by the Staff Selection Commission, inviting applications for persons who desired to be recruited as Assistant Sub-Inspector¹ or Sub-Inspector² in the Central Industrial Security Force³, Delhi Police and Central Armed Police Forces (CAPFs). Note V in the Notification read thus:

“NOTE – V: A Matriculate Ex-Serviceman (which term includes an Ex-Serviceman, who has obtained the Indian Army Special Certificate of education or corresponding certificate in the Navy or the Air Force), who has put **in not less than 15 years of service as**

¹ “ASI” hereinafter

² “SI” hereinafter

³ “CISF” hereinafter



on closing date with Armed Forces of the Union shall be considered eligible for appointment to the posts being advertised through this examination. Thus, those Non-Graduate Ex-Servicemen who have not completed 15 years of service as on the last date for receipt of applications as stated in Note-III under Para 4 (B) are not eligible.”

2. The petitioner cleared both the Papers in the Examination following the above Notification and was selected to the post of SI on 7 December 2015. Following this, he was appointed as SI *vide* appointment letter dated 14 September 2016.

3. After he had served the CISF as SI for nearly seven years, the petitioner was, on 28 July 2023, dismissed from service *vide* the following Order:

“ORDER

WHEREAS, You (Roll No. 2201501295 Name Narendra Pal Singh Soam S/o Dhara Singh R/o VII-C-639 A, JVTs Garden, Chhattarpur Ext. Mehrauli South Delhi) had applied for the post of Sub-Inspector in Delhi Police, CAPFs and Assistant Sub-Inspector in CISF Examination for the year 2015 conducted by the Staff Selection Commission under the category of Ex-Serviceman with deemed graduation certificate from Indian Army/Navy/Air Force. Consequent upon your selection as Sub-Inspector, you were allocated to CISF. Accordingly, you were issued with an offer of appointment to the post of Sub-Inspector/Exe by the DIG, CISF RTC Arrakonam, *vide* letter No.E-14099/RTC(A)/CISF/6th (B) SI/Exe(ESM)/Trg./16/6919 dated 14.09.2016 with direction to report at RTC Arakkonam by 15.10.2016 for undergoing basic training. You joined basic training of Sub-Inspector/Exe in CISF on 15.10.2016 and you were allotted CISF No. 160407505. After successfully completing basic training, you are presently posted at CISF Unit DMRC Delhi since 24.06.2019.

02. AND WHEREAS, now the Staff Selection Commission, *vide* its letter No. 10/01/2015-C-1/2 dated 16.12.2019 and letter even number dated 09.10.2019 has communicated that your revised result as "Not Qualified as you had scored 241.25 marks in total



2025:DHC:8578-DB



from UR+ESM category with post preference 'A' SI in Delhi Police (Group-C) and 'C'- SI in CISF (Group B post). However, as per your educational qualification you were found to be eligible for Group C post only, in accordance with the Notification No. 15012/8/82-Estt(D) dated 12.02.1986 of DoP&T (copy attached for reference). Hence, your result was revised from Group B to Group C post wherein, you were declared 'Not Qualified' as your marks were less than the marks of the last selected candidate i.e. 306 for post Code 'A'-SI in Delhi Police under UR+ESM category.

03. AND WHEREAS, consequent upon revision of your result from the rank of Sub-Inspector in CISF (Ex-Serviceman) to that "Not qualified" as conveyed by the Commission, your appointment in CISF is required to be cancelled/withdrawn in view of revised result published by SSC.

04. NOW THEREFORE, in exercise of the powers conferred upon the undersigned being the Appointing Authority and in consonance with the SSC communication vide letter No. 10/01/2015-C-1/2 dated 16.12.2019, letter even number dated 09.10.2019 and as per Rule 39 (ii) CISF Act & Rule-2001, you are hereby **Dismissed** from service as there is no time to conduct an enquiry with your retirement from service being only two days away, on 31.07.2023.

Sd/-

28.7.2023

(Meghna Yadav, IPS)
Deputy Inspector General
CISF Unit DMRC Delhi"

4. Despite efforts to ascertain the basis for his dismissal from service, the petitioner was not successful. The petitioner has, therefore, approached this Court by means of the present writ petition under Article 226 of the Constitution of India, praying that his dismissal from service be quashed, and that he be reinstated in service. As the petitioner has crossed the age of superannuation in the interregnum, the petitioner has prayed that his retiral benefits be released to him, consequent to his reinstatement.



2025:DHC:8578-DB



5. We have heard Mr. Vipin Chaudhary for the petitioner and Mr. Pradeep Kumar Jha, learned SPC for the respondent, at length.

6. Mr. Chaudhary submits that the petitioner's appointment as SI was a regular appointment, after two years' probation and could not, therefore, be undone after he had served as SI for seven years. On merits, he submits that, as he is a matriculate and had 34 years' Army service to his credit before he was appointed as SI, he was eligible for appointment in terms of Note V of the Notification dated 28 March 2015.

7. Mr. Chaudhary further submits that the issue in controversy stands covered by the judgment of a Division Bench of this Court in ***Rajiv Kumar v Govt. of India***⁴.

8. Responding, Mr. Jha submits that no error can be found in the decision of the respondents to terminate the services of the petitioner even if belatedly, once it was found that he did not possess the requisite educational qualifications for being appointed as SI, and did not qualify for the post of ASI on merits.

9. Having heard learned counsel for the parties, we are of the opinion that the issue in controversy is fully covered by the judgment of the Division Bench of this Court in ***Rajiv Kumar*** and that, therefore, the petitioner would be entitled to succeed.

⁴ Judgment dated 4 August 2021 in WP (C) 6951/2019



10. The issue in controversy in **Rajiv Kumar** was identical to that in the present case. The petitioner Rajiv Kumar⁵ had also applied for recruitment to the BSF, consequent to the CAPF Examination 2014. He was appointed SI. Later, he was directed to show cause as to why his appointment should not be terminated as he was ineligible, as per his educational qualifications, for appointment as SI, and had scored less, in merit, to the last candidate appointed as ASI. Rajiv relied on Note V in the Notification, which was identical to Note V in the Notification in the case on hand, and read thus:

*“A Matriculate Ex-Serviceman (which term includes an Ex-Serviceman, who has obtained the Indian Army Special Certificate of education or corresponding certificate in the Navy or the Air Force), who has put in **not less than 15 years of service as on closing date** with Armed Forces of the Union shall be considered eligible for appointment to the Group-C posts of SI in Delhi Police and ASI in CISF only. Thus, those Non-Graduate Ex-Servicemen who have not completed 15 years of service as on the last date for receipt of applications as stated in Note-III under Para 4 (B) are not eligible for these posts. **Further, as per extant guidelines of Department of Personnel & Training, deemed graduation of Indian Army Special Certificate of education or corresponding certificate in the Navy or the Air Force, on completion of 15 years in Armed Forces is not applicable for Group-B posts.**”*

11. This Court held that, having appointed Rajiv in full knowledge of the qualifications possessed by him, the respondent could not, years later, seek to remove him from service on the ground that he did not possess the requisite educational qualification.

12. In view of Note V in the advertisement reproduced *supra* as well as the decision of a Coordinate Division Bench of this Court in

⁵ "Rajiv" hereinafter



2025:DHC:8578-DB



Rajiv Kumar, the case of the petitioner is fully covered.

13. Accordingly, the writ petition is allowed. The impugned order dated 28 July 2023 is quashed and set aside.

14. The petitioner would be entitled to continuity in service but would not be entitled to any back wages, however, his retiral benefits shall be computed by treating him as continuing in service on the post as though the impugned order was not passed. Let the petitioner's retiral benefits, computed from the date of his retirement be disbursed within a period of eight weeks, failing which they shall carry interests at the rate of 6% per annum till the date of disbursement.

15. We appreciate the evidently fair stand adopted by Mr. Pradeep Kumar Jha, learned SPC for the respondents.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

SEPTEMBER 9, 2025/AR