



2025:DHC:1289-DB



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

Date of decision: 27.02.2025

+ W.P.(C) 2502/2025

NARENDRA SINGH RAWAT

.....Petitioner

Through: Mr. Shyamsuman Singh and
Mr. Abhay Singh, Advs.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioner, challenging the Order dated 08.01.2025 passed by the respondent no. 2, dismissing the Statutory Petitions filed by the petitioner against the termination of his service by way of removal on the ground of furnishing false and incorrect information at the time of appointment for the post of Sub-Inspector (SI) in the Border Security Force (BSF).

2. The petitioner had joined the Indian Air Force ("IAF") as LAC (Trade: Ops. Asstt.) on 04.04.2009. He was admittedly discharged from the IAF on the ground of Medical Disability of 40%, on 30.09.2011, after completing only 3 and a half years of service.

3. Pursuant to the notice for appointment to the post of SI in Delhi



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Police, CAPFs and Assistant Sub-Inspectors in Central Industrial Security Force Examination, 2019, the petitioner applied for the post of SI (General Duty) in the BSF under the Ex-Servicemen (ESM) category.

4. The petitioner, having successfully completed the selection process, was offered appointment and joined the BSF on 17.05.2022, whereafter, he underwent the basic training in the BSF Academy at Tekanpur, Madhya Pradesh. On completion of the training, he was posted to 153rd Bn., BSF on 07.06.2023.

5. A Show Cause Notice dated 06.01.2024 was issued to him asking him to show cause as to why his services be not terminated for furnishing false and incorrect information at the time of enrolment and appointment to the post of SI (GD).

6. In his reply, the petitioner claimed that due to a *bona fide* mistake, he had mentioned in his application form that he had been voluntarily discharged from the service by the Indian Air Force (IAF).

7. After considering his reply, by the Order dated 06.02.2024, the petitioner was terminated from service by way of removal with effect from 06.02.2024 in exercise of powers under Sub-Section 2 of Section 11 of the BSF Act, 1968 read with Rule 17 of the BSF Rules, 1969 without any pensionary benefits.

8. The petitioner submitted Statutory Petitions against the above decision, which have now been dismissed by the Impugned Order.

9. The learned counsel for the petitioner submits that the petitioner was under an impression that he had to disclose if he had visited any



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Doctor from the date of his discharge from the IAF till the date of the application. He submits that as the petitioner had not visited any doctor or suffered any ailment post his discharge from service with the IAF, he answered in the negative. He submits that therefore, there was no concealment or mis-statement in the application form of the petitioner.

10. As far as the claim of the petitioner in the application form that he had taken voluntary discharge from the IAF, he submits that the same was filled in by a *bona fide* mistake by the petitioner and the petitioner never had any intent to mislead the respondents or gain any unauthorised benefits thereby.

11. Placing reliance on the Judgment of the Supreme Court in ***Avtar Singh v. Union of India and Others***, (2016) 8 SCC 471, he submits that where the information suppressed is of trivial nature and it would not have any effect on the service, the same cannot act as a ground for terminating the services of the person concerned.

12. We have considered the submissions made by the learned counsel for the petitioner, however, we find no merit in the same.

13. It is not denied that the petitioner had been discharged from service from the IAF on the ground of medical unfitness with 40% disability for life. In answer to question No. 11(b) in the enrolment form, the petitioner had, however, mentioned that he was voluntarily discharged from the IAF. This cannot be considered as an innocuous or *bona fide* mistake. There was, therefore, a deliberate attempt by the petitioner to mislead the respondents and gain advantage thereby. The



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Judgment of the Supreme Court in *Avtar Singh* (supra), therefore, cannot come in the aid of the petitioner.

14. In view of the above, we do not find any merit in the present petition. The same is, accordingly, dismissed.

NAVIN CHAWLA, J

SHALINDER KAUR, J

FEBRUARY 27, 2025/ss/sk/IK

Click here to check corrigendum, if any