



2025:CHD:19979-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 6788/2025****VIJAY RAJAK**

.....Petitioner

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

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Puneet Yadav SPC with
Insp Prahlad Devenda for CISF.**CORAM:****HON'BLE MR. JUSTICE C.HARI SHANKAR****HON'BLE MR. JUSTICE OM PRAKASH SHUKLA****JUDGMENT (ORAL)**

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06.11.2025**OM PRAKASH SHUKLA, J.**

1. The present writ petition has been filed under Article 226 of the Constitution of India seeking quashing/setting aside of the impugned letter dated 09.05.2025, whereby petitioner was declared "*Unsuitable For Appointment In CISF*" for the post of Constable (GD). The petitioner further seeks to restore original offer of appointment(Provisional) letter dated 20.12.2024 for the post of Constable (GD) and to grant all consequential benefits including seniority on notional basis.

2. The facts pertaining to present petition are that the petitioner participated in the recruitment process conducted by the Central Industrial Security Force¹ for the post of Constable (GD). Upon

Signature Not Verified¹ "CISF" hereinafter

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qualifying at all prescribed stages, the petitioner was issued an offer of appointment dated 20.12.2024 by the Senior Commandant/Chairman, Dossier Scrutiny Board, CISF Unit, DSP, Durgapur (Respondent No. 4).

3. In the course of verification of antecedents following the offer of appointment, the petitioner was required to declare any criminal case pending against him. The petitioner disclosed the existence of FIR No. 09/2022 and submitted details of the proceedings, including the fact that no charge-sheet had been filed against him, and charges were framed merely against his brother, the sole accused, who faced trial and as a matter of fact and records had already been acquitted by the competent court on 08.12.2022 in that FIR.

4. Subsequent thereto, the matter relating to the petitioner's suitability for appointment was placed before the 19th Standing Screening Committee (37th Sitting) constituted at the CISF Headquarters, New Delhi, to assess his suitability for appointment in light of the Office Memorandum dated 01.02.2012 issued by the Ministry of Home Affairs (MHA), which prescribes policy guidelines for candidates involved in criminal cases.

5. The Committee, vide its proceedings dated 09.05.2025, declared the Petitioner "*Unsuitable for Appointment in CISF*". The reasons cited in the Committee's report include:

- i. "*FIR registered against five accused including candidate u/s 304-B & 34 of IPC. However. 1.0 filed charge sheet u/s 306 of IPC only against accused Yogendra Rajak (husband of the*

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- deceased), mentioning that supplementary investigation is ongoing against remaining accused. However, no such supplementary investigation report is available.
- ii. Section 304-B & 306 IPC are serious offence, covered in Annexure- A' of Policy Guidelines issued by MHA vide UO Note dated 01.02.2012. The candidate is Dever of the deceased in the instant case
 - iii. The Hon'ble Court acquitted the accused, Yogendra Rajak (husband of the deceased) as P.W.2 and P.W.3, the parents of the deceased, turned hostile. Thus, the acquittal is not an honourable one.
 - iv. Para 2 (III)(a) of Policy Guidelines issued by MHA vide UO Note dated 01.02.2012 states that "the candidate will not be considered for recruitment if, Such involvement/case/arrest is concerned with an offence mentioned in Annexure-A."
 - v. Para 2 (V) of the MHA Policy Guidelines dated 01.02.2012 states that "Notwithstanding the provisions of 2(III), such candidates against whom charge sheet in a criminal case has been filed in the court and the charges fall in the category of serious offences or moral turpitude, though later on acquitted by extending benefit of doubt or acquitted for the reasons that the witness have turned hostile due to fear of reprisal by the accused person(s), he/she will generally not be considered suitable for appointment in CAP"

6. Based on the recommendation of the Committee, the Commandant (Training), RTC Deoli, issued the impugned letter dated 09.05.2025, cancelling the petitioner's provisional offer of appointment for the post of Constable (GD) in CISF.

7. Aggrieved by the said decision, the petitioner has filed the present writ petition seeking quashing of the impugned communication dated 09.05.2025, restoration of his Offer of Appointment dated 20.12.2024, and permission to undergo training in terms thereof.

8. Mr. Sahil Mongia, learned Counsel for the petitioner submits that the present writ petition raises the issue whether a candidate, who is merely a *devar* (brother-in-law) and not the main accused in a criminal



case, and who was merely named in the FIR and never charge-sheeted but only kept in the realm of suspicion in Serial No. 12 of the Final Report, can be rendered “*Unsuitable for Employment in CISF*” under the impugned communication dated 09.05.2025.

9. The learned Counsel submits that the final report was accepted by the learned Trial Court *vide* order dated 07.03.2024, which has never been challenged and has, therefore, attained finality. The learned Trial Court took no cognizance of any offence *qua* the petitioner; consequently, there was no framing of charge, and no trial was or is pending against the petitioner.

10. Further it is submitted that the main accused (brother of the petitioner), was acquitted by the learned Trial Court *vide* judgment dated 08.12.2022. The said judgment too was never challenged and has similarly attained finality.

11. The learned Counsel contends that although FIR No. 09/2022 under Sections 304B and 34 IPC was registered at P.S. Chandankiyari against several persons, the petitioner was not the main accused, but only one of the *devars* of the complainant. The respondents themselves, in their counter affidavit, have not disputed that the FIR had been registered by the sister-in-law (*bhabhi*) of the petitioner. It is therefore an undisputed and admitted fact that the main accused in the said FIR was the husband of the deceased, i.e., the petitioner’s brother, and the petitioner’s name was included only because of his relationship as a *devar*.



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12. Learned Counsel next submits that the investigation culminated in a Final Report under Section 306 IPC only against the husband of the deceased, while no charge-sheet was ever filed against the petitioner. The petitioner's name appeared merely in Column No. 12 of the supplementary final report which records that this was due to "*lack of evidence and witnesses.*"

13. Learned Counsel submits that the legal position with respect to cases emanating from matrimonial disputes is no longer *res integra*, and stands settled by a series of decisions of this Hon'ble Court.

14. Reliance is placed upon the judgment of this Hon'ble Court in ***Durvin Kumar v. Union of India***², wherein it was held that in matrimonial disputes, a person who is not the main accused but only a collateral relative such as a *devar* cannot be disqualified from public service merely because his name appears in the FIR, particularly when no charge has been framed and no trial conducted. To reinforce this position, reliance was also placed on ***Vikram Ruhel v. Delhi Police & Ors***³, where a Division Bench of this Court observed that being named in an FIR by itself cannot constitute an impediment for appointment in public service, especially in matrimonial offences, as there is a growing tendency to implicate all relatives of the husband, including minors, in such cases, many of which are later settled or found to be false.

15. The learned Counsel, thus contends that the impugned order dated 09.05.2025 declaring the petitioner "*Unsuitable for Appointment in CISF*" is arbitrary and illegal, being in utter violation of the settled

² W.P.(C) No. 12743/2024

³ W.P.(C) 5718/2023



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law laid down by this Hon'ble Court in *Durvin Kumar (supra)* and *Vikram Ruhel (supra)*, read with the Policy Guidelines dated 01.02.2012 issued by the Ministry of Home Affairs.

16. Per contra, Mr. Puneet Yadav, learned SPC for the respondent, submits at the outset that the present writ petition is misconceived and devoid of merit. The petitioner seeks to challenge a well-reasoned administrative decision rendered by the duly constituted Departmental Standing Screening Committee (DSSC), which, after due deliberation and in strict conformity with the Ministry of Home Affairs ("MHA") Policy dated 01.02.2012 and the law laid down by the Hon'ble Supreme Court in *Avtar Singh v. Union of India*⁴ found the petitioner "*Unsuitable for Appointment in CISF.*"

17. Learned Counsel submits that the petitioner's case has been considered with due regard to his antecedents and the nature of the criminal case in which he was involved. The petitioner does not possess any vested or indefeasible right to appointment merely by virtue of being provisionally selected. His selection was explicitly made subject to verification of his character, antecedents, and overall suitability to serve in a disciplined force such as the CISF.

18. It is an admitted position that FIR No. 09/2022 under Sections 304B and 34 IPC was registered against five accused persons, including the petitioner, in connection with the death of his sister-in-law (*bhabhi*). The petitioner was thus one of the accused named in a case of dowry death and abetment to suicide offences expressly categorised as



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“serious offences involving moral turpitude” in Annexure-A of the MHA Policy dated 01.02.2012.

19. Learned Counsel submits that though the charge-sheet in the said FIR came to be filed only against the petitioner’s brother under Section 306 IPC, the petitioner’s name continued to appear in Column 12 of the final report as a person against whom investigation was conducted but evidence was found insufficient. The inclusion of the petitioner’s name in the FIR and final report, coupled with the grave nature of the underlying offences, was duly taken into account by the DSSC while assessing his suitability for appointment to a disciplined armed force.

20. It was further submitted that the acquittal of the main accused, vide judgment dated 08.12.2022, cannot be construed as a “clean” or “honourable” acquittal. The Trial Court’s judgment itself records that the acquittal resulted from the weakness of the prosecution witnesses, including the deceased’s own parents, turning hostile. The Supreme Court in *Avtar Singh (supra)* has consistently held that acquittals on technical grounds or due to hostility of witnesses do not entitle a candidate to automatic appointment in uniformed services.

21. The policy, as interpreted by the Supreme Court, vests in the Screening Committee the authority to assess the suitability of a candidate based on antecedents and to deny appointment where the acquittal is not clean or where the conduct raises moral doubts. The exercise of such discretion is integral to maintaining the sanctity of disciplined forces.



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22. Reliance was placed by the learned Counsel for the respondent on *Commissioner of Police, New Delhi and Anr. v. Mehar Singh*⁵, wherein the Supreme Court observed that a candidate aspiring to join the police or armed force must be a person of utmost rectitude, possessing impeccable character and integrity, and that even if a person is acquitted or discharged, such an order must be scrutinised to determine whether he has been completely exonerated. The Court further held that even the possibility of a candidate reverting to crime, poses a threat to the discipline of the force.

23. Learned Counsel further points out to Rule 17(b) of the CISF Rules, 2001, which explicitly provides that no person shall be eligible for appointment unless he bears a good moral character. The petitioner's antecedents, as revealed from the FIR and the trial record, disqualify him from meeting the required moral standards prescribed under the said Rule.

24. It is further submitted by the learned Counsel that the Screening Committee, being the competent authority under the policy, has objectively assessed the petitioner's case on all relevant parameters and that their decision was based on a holistic evaluation of the facts and was neither arbitrary nor discriminatory. There is no material on record to suggest that the Committee acted with bias or mala fide intention.

25. It was submitted that it is a settled proposition of law that a candidate cannot claim appointment merely because he has been provisionally selected. The provisional offer of appointment is always



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subject to character and antecedent verification, and the appointing authority is empowered to withdraw the same upon discovery of any fact reflecting adversely on the candidate's suitability.

26. Learned Counsel points out that the decision to declare the petitioner unsuitable and cancel his offer of appointment is consistent with the established jurisprudence governing recruitment to uniformed service and the same is supported by precedents such as **Mehar Singh (supra)**. Thus, the learned Counsel prayed for dismissal of the writ petition as being without any merits.

27. Having heard the learned Counsel for the parties and perused the record, it is evident that the controversy before this Court lies within a narrow compass as to whether the petitioner, who was neither charge-sheeted nor tried in connection with FIR No. 09/2022 under Sections 304B and 34 IPC, can be declared "*Unsuitable for Appointment in CISF*" in terms of the impugned communication dated 09.05.2025, despite the acceptance of the final report exonerating him and the acquittal of the principal accused.

28. The petitioner, through learned Counsel, has urged that his case is squarely governed by the ratio laid down in **Durvin Kumar (supra)** and **Vikram Ruhel(supra)**, both rendered by this Court. It has been contended that in cases arising from matrimonial disputes or family discord, the Office Memorandum dated 01.02.2012 issued by the Ministry of Home Affairs specifically provides that disqualification may only arise where the candidate is the main accused, and not where he is a collateral relative, such as a *devar* or *jeth*.



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29. In the present case, the main accused was the husband of the deceased, i.e., the petitioner's brother. The investigation resulted in a charge-sheet under Section 306 IPC only against the said husband. The petitioner was never charge sheeted, his name appearing solely in Column No. 12 of the Supplementary Final Report No. 66/2023, explicitly noting the lack of evidence and witnesses. The learned trial court thereafter accepted the final report on 07.03.2024, taking no cognizance against the petitioner.

30. Despite the above exoneration, the Standing Screening Committee, while considering the petitioner's antecedents, invoked Paragraphs 2(III)(a) and 2(V) of the MHA Guidelines dated 01.02.2012, and held that the offences in question were of serious nature involving moral turpitude and went on to observe that the acquittal of the principal accused was not "*honourable*," since the prosecution witnesses had turned hostile and to add further *salt to the injury*, upon the said recommendation of the Committee, the Commandant (Training), RTC Deoli, issued the impugned letter dated 09.05.2025, cancelling the petitioner's appointment.

31. This Court notes that in *Durvin Kumar (supra)*, we had an occasion to consider an almost identical factual situation. There, too, a CISF candidate's appointment had been cancelled on the basis of an FIR lodged by his sister-in-law under Sections 498A, 323, and 506 IPC. The Bench held that the mere inclusion of a collateral relative's name in an FIR arising from matrimonial discord cannot constitute disqualification, particularly in the absence of any overt act or charge-sheet, and that the MHA Guidelines of 01.02.2012 must be construed



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to protect such candidates from arbitrary exclusion. The Court quashed the rejection and directed that the appointment be restored in that case.

32. Similarly, in *Vikram Ruhel (supra)*, Division Bench of this Court observed that mere naming in an FIR cannot, by itself, operate as a bar to public employment unless the investigation discloses substantive involvement. The Bench took note of the growing tendency to implicate all family members of the husband in matrimonial cases and cautioned that such complaints, often made in the heat of domestic discord, cannot form a basis to deprive an otherwise eligible candidate of employment, especially where the person has been placed in Column No. 12 of the charge-sheet and never summoned.

33. The facts of the present case are indistinguishable from the factual matrices in *Durvin Kumar (supra)* and *Vikram Ruhel (supra)*. The petitioner herein, too, stands as a collateral relative a *devar* implicated in an FIR filed by his sister-in-law; he has never been charge-sheeted, and the criminal proceedings against him have been conclusively closed. The invocation of Para 2(V) of the MHA Guidelines by the Standing Screening Committee, without examining whether the clause applied in the absence of a charge-sheet or trial, reflects a mechanical and erroneous application of the policy.

34. The issue in the present case also falls for consideration for another similar case which was dealt by us in *Srikanta Gorain v Union of India*⁶ comprehensively interpreted the MHA Office Memorandum dated 01.02.2012 in a batch of petitions involving identical questions.



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The Bench harmonised the interpretation of Paragraphs 2(III) and 2(V) of the Guidelines with the law laid down by the Supreme Court in *Avtar Singh (supra)* and *Ravindra Kumar v. State of U.P.*⁷.

35. In *Srikanta Gorain (supra)*, this Bench held that Para 2(V) of the Guidelines applies only to cases where a charge-sheet has been filed for serious offences and the acquittal follows on account of hostile witnesses or benefit of doubt. It was further clarified that where no charge-sheet is filed, or the candidate stands acquitted or exonerated on merits, the protection of Para 2(III) applies, and the candidature cannot be rejected. The Bench emphasised that administrative discretion must align with the degree of involvement actually established, and that blanket rejection merely on account of an FIR is impermissible in law.

36. When as assessment of the facts of the present case is made on the anvil of the principle developed by this court as mentioned supra, it is evident that the petitioner's case falls squarely within Para 2(III) of the Guidelines, entitling him to the benefits of exoneration. The respondent's invocation of Para 2(V) is, therefore, wholly misplaced, as there exists neither a charge-sheet nor a trial, and the final report has been accepted by the court. The Standing Screening Committee's reasoning thus stands in direct conflict with the ratio of both *Durvin Kumar(supra)* and *Srikanta Gorain(supra)*, each rendered by this very Bench.

37. The factual and legal parity between the three cases is complete. In all, the petitioners were CISF candidates, their names appeared in



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matrimonial or family related FIRs, they were never charge-sheeted, and their appointments were cancelled mechanically by invoking the MHA Guidelines. In all, the High Court recognised that such administrative action amounts to non-application of mind, arbitrariness, and violation of Articles 14 and 21 of the Constitution.

38. Accordingly, in the considered view of this Court, the decision declaring the petitioner “*Unsuitable for Appointment in CISF*” does not withstand judicial scrutiny. The action is contrary to the object and spirit of the 2012 Guidelines, and inconsistent with the jurisprudence settled by this Bench in *Durvin Kumar (Supra)* and *Srikanta Gorain (Supra)*. The petitioner, having been fully exonerated, could not have been disqualified merely by reference to an FIR in which he was neither charge-sheeted nor ever tried.

39. For the aforesaid reasons, the writ petition is allowed. The impugned order is quashed and set aside. The respondents are hereby directed to restore the original offer of appointment issued to the petitioner with all consequential benefits.

40. There shall be no order(s) as to costs.

OM PRAKASH SHUKLA, J.

C.HARI SHANKAR, J.

NOVEMBER 6, 2025/gunn/rjd