



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

Date of decision: 15th October, 2025

IN THE MATTER OF:

+ W.P.(C) 8474/2019

AMIT KUMAR

.....Petitioner

Through: Mr. Mohan Kumar and Ms. Neetu Singh, Advocates.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr. Avnish Singh, SPC with Mr. Mahendra Vikram Singh and Ms. Pushplata Singh, Advocates.
Mr. Atharv, Inspector CRPF and Mr. Ramniwas, CRPF.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

JUDGMENT

VIMAL KUMAR YADAV, J.

1. The writ jurisdiction of this Court has been invoked through the instant petition by Ex. Sep/Water Carrier Amit Kumar of the Central Reserve Police Force ('CRPF') seeking therein that the order dated 20.12.2018 through which he was removed from service, in which order dated 21.03.2017 passed by the Commandant 89th Battalion, CRPF and



that of the DIG (CRPF), South dated 20.07.2017 stood merged, be set aside and that the Petitioner be reinstated back into service.

2. The Petitioner made the following specific prayers:-

“(a) Writ of certiorari or any order in its nature as deemed appropriate quashing and setting aside order dated 20 Dec 2018 which is passed by the respondent being arbitrary, illegal and perverse.

(b) Call for the complete records of the proceedings.

(c) To direct the respondents to re-instate the petitioner with all the consequential benefits.

(d) Any other order or relief as deemed appropriate by this Hon'ble court in the facts and circumstances of the case.”

3. Succinctly, the indispensable facts as put forth by the Petitioner are that he was appointed as a Constable/Water Carrier after qualifying Physical Standard Test (PST), Physical Endurance Test (PET) and written and medical examination through appointment letter dated 20.05.2011, for which the requisite qualification as per the advertisement was that a person should be between 18 to 23 years of age and a matriculate.

4. The aforesaid appointment was made under the provisions of Recruitment Rules made for CPS's and under the provisions of CRPF Act and Rules. However, when the educational documents of the Petitioner were verified by the CRPF, it was reported by the Haryana School Education Board, Bhiwani that the matriculation certificate of the Petitioner was a bogus document. This led to a departmental enquiry against the Petitioner, which was initiated through order dated



08.12.2016. The inquiry culminated into the removal of the Petitioner from the service through the order P-8-12/2016-89-EC-2 dated 21.03.2017 in terms of clause 10(2) of G.O.I., Department of Personnel & Training, O.M. No. 11012/7/91-Estt (A) dated 19.05.1993, which goes as below:

“10) Action against Government servants to be taken if they are later found ineligible or unqualified for their initial recruitment -

Attention of the Ministries/Departments is invited to Ministry of Home Affairs OM No. 39/1/67-Ests.(A) dated 21.02.1967 wherein it was clarified that departmental action can be taken against Government servant in respect of misconduct committed before his employment. Attention is also invited to the Ministry of Home Affairs-OM No. 5/1/63-Estt. (D) dated 30.04.1965 wherein Ministries/Departments were requested to-make use of the provision of 'warning' inserted in the Attestation Form for taking action against Government servant furnishing false information at the time of appointment.

2. A question has now arisen as to whether a Government Servant can be discharged, from service where it is discovered later that the Government servant was not qualified or eligible for his initial recruitment in service. The Supreme Court in its judgment in the District Collector, Vizianagaram vs. M. Tripura Sundari Devi (1990(4) SLR 237 went into this issue and observed as under:-

"It must further be realized by all concerned that when an advertisement mentions a particular qualification and an appointment is made in disregard of the same, it is not a matter only between the appointing authority and the appointee concerned. The aggrieved are all those who had similar or better qualifications than the appointee or appointees but who had not applied for the post because they did not possess the qualifications mentioned in the advertisement. It amounts to a fraud on public to appoint a



person with inferior qualifications in such circumstances unless it is clearly stated that the qualifications are relaxable. No Court should be a party to the perpetuation of the fraudulent practice."

The matter has been examined in consultation with the Ministry of Law and Justice and it has now been decided that wherever it is found that a Government servant, who was not qualified or eligible in terms of the recruitment rules etc, for initial recruitment in service or had furnished false information or produced a false certificate in order to secure appointment, he should not be retained in service. If he is a probationer or a temporary Government servant, he should be discharged or his services should be terminated. If he has become a permanent Government servant, an inquiry as prescribed in Rule 14 of CCS (CCA) Rules, 1965 may be held and if the charges are proved, the Government servant should be removed or dismissed from service. In no circumstances should any other penalty be imposed."

5. The appeal preferred by the Petitioner under Rule 28 of the CRPF Rules, 1955 was rejected by the DIG (CRPF), Srinagar South J&K through order dated 20.07.2017.
6. The revision application filed by the petitioner under Rule 29 of the CRPF Rules, 1955 assailing the order of the appellate authority also came to be dismissed through order dated 20.12.2018 paving way for the instant writ petition.
7. The sum and substance of the contentions raised by the Petitioner are confined to a bona fide mistake. As according to him, he was eligible and qualified on the date of advertisement as he was within the age bracket of 18 to 23 and was a matriculate too at the relevant time. The only lapse, according to him, was furnishing a matriculation mark sheet, which was found to be bogus. It is asserted on behalf of the Petitioner



that all the particulars in the duplicate mark sheet, which was submitted by him were correct except for one digit in the Roll number and the marks obtained by him. The enrollment number, date of birth, parentage, etc were correct.

8. An explanation has been furnished by the Petitioner that he had lost his original mark sheet in a selection rally at Bawana, Delhi. Although no further details have been furnished like the year and the date etc., in which he lost his mark sheet.

9. The mark sheet submitted by him to the CRPF Authorities, was the duplicate mark sheet which he had obtained through one of his relatives and believing the same to be his correct mark sheet; he furnished and relied upon the same, inasmuch as the mistake of one digit in the roll number and the total marks obtained by him were there whereas the rest of the Petitioner's particulars were correct.

10. It is thus, submitted on behalf of the Petitioner that there was no intention to cheat, furnish a false or bogus document. It was all on account of the circumstances in which he was placed. In any case, when he was otherwise qualified and eligible even in terms of the genuine mark sheet in which not only the date of birth, parentage and enrollment number were correct, but the Roll number and the marks were also correct then there was no occasion or reason with him to rely on a bogus document. The only difference as such which was there, was in the marks obtained by the Petitioner, which were 277 marks in the so called bogus mark sheet, whereas he had actually secured 219 marks. It hardly made any difference on the eligibility of the Petitioner.



11. It is against the backdrop of these facts and circumstances it is asserted on behalf of the Petitioner that there was no occasion with him to rely on or furnish a false or bogus document, especially when it did not change anything materially. The educational qualification for the post he had applied was a mere matriculate irrespective of the percentage of marks and rest of the scheme of the selection process had nothing to do with the marks.

12. In these circumstances, there was no reason for the Petitioner to resort to something which was incorrect or wrong. It was nothing but his bona fide mistake which has landed him into this mess.

13. Thus, it is submitted that in terms of Clause 10(2) of G.O.I., Department of Personnel & Training, O.M. No. 11012/7/91-Estt (A) dated 19.05.1993, he was qualified and eligible, but for a mix-up in the mark sheet; and even that does not disqualify him. Therefore, his removal from the service is unwarranted and in any case a disproportionate punishment for something which was a bona fide mistake. It is thus, submitted that the writ petition may be allowed.

14. Learned Counsel for the Petitioner has placed reliance on the Judgment titled as Harphool v. Union of India/CRPF, S.B. Civil Writ Petition No. 2480/2002 dated 22.09.2005 by the High Court of Rajasthan and the Commissioner of Police & Ors. v. Sandeep Kumar in Civil Appeal No(s). 1430/2007 dated 17 March 2011 by Hon'ble Supreme Court of India.

15. The former is not attracted to the facts of the instant case as the Petitioner therein was selected in 1971 and put in 29 years of service and



was chargesheeted in 2000 and a presumption was raised that verification of documents must have been carried out qua the educational qualification etc. Then only it would have been entered in service records. He has a meritorious service record and in verification, the school Headmaster seemingly verified the date of birth entered in school records.

16. In the instant case, the status of documents was found in the verification itself at the initial stage that it was a bogus document.

17. In the latter case, suppression of information qua involvement in a criminal case under Section 325/34 IPC, which later resulted in acquittal was ignored being trivial, or acquittal takes away the impact, if any.

18. Evidently, this case too cannot help the case of the Petitioner having no bearing on the facts of the instant case.

19. While contesting the claim of the Petitioner, it is asserted on behalf of the Respondent that Clause 10(2) of G.O.I., Department of Personnel & Training, O.M. No. 11012/7/91-Estt (A) dated 19.05.1993, as referred above has been misread by the Petitioner inasmuch as it talks about qualification and eligibility in terms of Recruitment Rules wherein it also provides that if someone has furnished false information at the time of initial recruitment in service or produced a false certificate in order to secure an appointment, then in that case he should not be retained in service. In terms of Rule 14 of CCS (CCA) Rule, 1965 an enquiry is to be held and the government servant is liable to be removed or dismissed from service, if the charges in the enquiry stands proved.



20. It is asserted on behalf of the Respondent that the enquiry was conducted in terms of the aforesaid rules and it was found that the Petitioner was guilty of furnishing bogus/false document qua his educational qualification, on the strength of which, he was considered and selected for the appointment. The verification has conclusively established that the matriculation document furnished by the Petitioner was a false/bogus document, therefore, in terms of the Recruitment Rules, there was no other option, but dismissal or removal from the service. The Petitioner has been accordingly punished. He was given the opportunity to file an appeal and thereafter a revision, as provided in the Rules.

21. As such the action taken by the Respondent is within the parameters of the relevant Recruitment Rules.

22. Having considered the submissions made by the contesting sides and after going through the record, it is evident that the Petitioner had relied upon his matriculation mark sheet, which incidentally was found to be a false document, notwithstanding the contention on behalf of the Petitioner that it was a bona fide mistake as, except roll number and the marks obtained; the rest of the particulars are true and correct. Any service especially Defence and Security Services, require a kind of trust between the employer and employee and it is all the more essential where the security of life, limbs and property of the citizens of the country are concerned.

23. The case of the Petitioner does not appear to be a case of bona fide mistake inasmuch as marks obtained are one of the most important



aspect of a mark sheet, and it is almost impossible that one would forget the marks obtained by him. Therefore, the Petitioner knew, in his heart of hearts, that the document being furnished by him was not a correct document. In case, he had lost his document, then he should have brought out the fact before the Authorities instead of submitting something which was not a genuine document. This aspect takes away the element of bona fide from the claim of the Petitioner.

24. In para 8 of the petition, it is attempted to reflect that the bona fide mistake was set right by Petitioner voluntarily. However, whom he informed, when, where and orally or otherwise. All these vital details amiss which puts a big question mark on the plea of bona fide of the Petitioner.

Petitioner, on the other hand, was fully aware as to which documents he was furnishing and whether details are correct or not. Marks are very important which none can forget. So the plea that he mistakenly gave the mark sheet is not correct. He knew it very well what he was doing.

And if he had, genuinely under a bona fide belief, submitted the document, where was the occasion with him to volunteer for furnishing correct mark sheet as he has meekly tried to portray in para 8 of the petition. In these circumstances, it becomes all the more important to ascertain as to how and when he came to know about this mix-up.

In the absence of answers, leave alone any cogent answer, the only inference which can be drawn is that the Petitioner intentionally furnished false information/document and gained employment but lost



the trust of his employer on the way.

25. The contention that the punishment is disproportionate is rendered meritless inasmuch as the very genesis of relationship of employer and employee itself is under cloud. The contention raised on behalf of the Petitioner that he was merely a Constable/Water Carrier and not involved in any combative or security duty, is brushed aside inasmuch as every component and every ingredient is important in any organization. It cannot be more indispensable in a security/Police Organization. A minor and trivial looking lapse may endanger the life, limbs and property of CRPF personnel, common men and country too.

26. The scope of intervention in departmental actions by the courts is limited to the extent of ensuring that the procedure adopted by the Authorities is correct and that the Petitioner has been given a fair opportunity of being heard or so to say, that the principles of natural justice have been followed in right earnest. Apart from that, the quantum of punishment may also warrant interference to the Court, if it is highly disproportionate or perverse when juxtaposed to the misconduct attributed to the employee.

27. In the instant case, clause 10(2) of G.O.I., Department of Personnel & Training specifically provides for dismissal/removal from service in such cases where induction in the service was based upon a false/ bogus document.

28. Reliance can be placed upon the judgment of the Supreme Court in ***Ranjit Thakur vs. Union of India, (1987) 4 SCC 611***, where it was observed in the following words:-



“25. Judicial review generally speaking, is not directed against a decision, but is directed against the “decision-making process”. The question of the choice and quantum of punishment is within the jurisdiction and discretion of the court-martial. But the sentence has to suit the offence and the offender. It should not be vindictive or unduly harsh. It should not be so disproportionate to the offence as to shock the conscience and amount in itself to conclusive evidence of bias. The doctrine of proportionality, as part of the concept of judicial review, would ensure that even on an aspect which is, otherwise, within the exclusive province of the court-martial, if the decision of the court even as to sentence is an outrageous defiance of logic, then the sentence would not be immune from correction. Irrationality and perversity are recognised grounds of judicial review. In Council of Civil Service Unions v. Minister for the Civil Service [(1984) 3 WLR 1174 (HL): (1984) 3 All ER 935, 950] Lord Diplock said:

“Judicial review has I think developed to a stage today when, without reiterating any analysis of the steps by which the development has come about, one can conveniently classify under three heads the grounds on which administrative action is subject to control by judicial review. The first ground I would call ‘illegality’, the second ‘irrationality’ and the third ‘procedural impropriety’. That is not to say that further development on a case by case basis may not in course of time add further grounds. I have in mind particularly the possible adoption in the future of the principle of ‘proportionality’ which is recognised in the administrative law of several of our fellow members of the European Economic Community;...”

29. A similar view was also taken in ***B.C. Chaturvedi vs. Union of India & Ors.***, (1995) 6 SCC 749, wherein the Apex Court reinforced the legal position that the scope of judicial review in disciplinary matters is confined to examining the decision-making process and that interference with the quantum of punishment is justified only where the penalty



imposed shocks the judicial conscience, in which case the Court may mould the relief by directing reconsideration or, in rare cases, substituting an appropriate punishment.

30. In view of the foregoing discussion, the Writ Petition is dismissed.

VIMAL KUMAR YADAV, J.

SUBRAMONIUM PRASAD, J.

OCTOBER 15, 2025

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