



2025:DHC:90-DB



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

Reserved on: 19.12.2024
Pronounced on: 13.01.2025

+ **W.P.(C) 13121/2022 & CM APPL. 39808/2022**
ISHITA

.....Petitioner

Through: **Mr. Ankit Yadav, Ms. Shaoni Das,**
Adv.

versus

UNION OF INDIA MINISTRY OF HOME AFFAIRS
THROUGH ITS SECRETARY & ORS.Respondents

Through: **Mr. Gagan Kumar, SPC,**
Mr. Gokul Sharma, GP,
Ms. Puja Jakhar, Adv.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE SHALINDER KAUR

J U D G M E N T

SHALINDER KAUR, J

1. By way of present petition under Article 226 of the Constitution of India, the petitioner, who is currently serving as an Assistant Commandant in the Central Reserve Police Force (CRPF), has approached this Court seeking the following reliefs:-

“a) Issue an appropriate writ/order/direction in the nature of Mandamus, or any other writ, to set aside the Impugned Office Order dated



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31.08.2022 issued by DIG (pers), CRPF, Selo Message dated 25.04.2022 issued by Digcent (pers), Impugned Signal dated 06.04.2022 passed by the CRPF Academy Gurugram, Signal dated 14.12.2021 issued by CRPF ACADEMY, impugned Signal dated 16.08.2021 issued by 229 BN CRPF, 31.01.2020 issued by CRPF ACADEMY GURUGRAM, impugned Signal dated 17.12.2021 issued by 229 Bn, Signal 04.10.2021 issued by 229 Bn; and

b) Issue a writ/order/direction in the nature of mandamus directing the respondent authorities to exempt the petitioner from undergoing the jungle camp training and to process the final assessment report for fixing of inter-se-seniority among the batch."

2. To give a brief overview of the dispute, it may be noted that the petitioner joined the CRPF as an Assistant Commandant on 18.11.2017 and was undergoing Basic Training with the 50th Batch of the Directly Appointed Gazetted Officers (DAGOs). The basic training comprised of a month-long Jungle training module, which consisted of fifteen days of Jungle Camp, seven days of Survival Module, and four days of Field Firing & Battle Inoculation Module. While undergoing the Jungle training module with her batch, and after attending four days of Jungle Camp training, the petitioner contracted chicken pox on 27.10.2018 and was admitted to the CRPF Academy hospital in Gurugram. The petitioner was declared fit to return to duty *vide* the Medical Certificate/Fitness to Return Duty Certificate dated 06.11.2018, issued by the Composite Hospital, New Delhi. Subsequent thereto, the petitioner requested the



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then Inspector General (IG), Academy to allow her to participate in the remaining two Modules, that is, the seven days Survival Module and the four days Field Firing and Battle Inoculation Module, which she successfully completed.

3. After passing out from the Academy on 16.12.2018, the petitioner was posted to 229th Battalion, Bijapur, Chhattisgarh, a Category-I and Core Special Operation Zone (SOZ) Battalion. She also completed a Counter Insurgency and Anti-Terrorism (CIAT) Course, Sl. No. 23, at the Counter Insurgency and Anti-Terrorism School, Shivpuri, Madhya Pradesh, for the period of 17.01.2019 to 08.03.2019, which is an advance version of Jungle Training.

4. On 08.03.2019, the petitioner was relieved to 229th Bn., after attending the CIAT Course for QAT of LWE. She was granted 15 days leave and was directed to report back after availing the said leave.

5. During this period, while working as an Assistant Commandant with 229th Bn., CRPF, Bijapur, Chhattisgarh, the petitioner received various Commendation Certificates for her hard work, dedication and for successfully performing her duties. She was awarded the Director General's (DG) Commendation Certificate, and a Commendation Certificate dated 06.10.2019 by the Office of Director Inspector General of Police (DIGP)(Ops), Dantewada, Chhattisgarh, CRPF.

6. When the petitioner was detailed to undergo the Jungle Camp training with the 51st batch, on 30.12.2019, she sent a signal to 229th Bn,



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requesting for an exemption from said training with the 51st Batch. However, on 31.01.2020, as she did not report for the said training before the commencement of the 51st Batch, the petitioner was again directed to undergo the said Training with the DAGOs of the 52nd batch. Thereafter, on 05.02.2020, the Commandant of the 229th Bn. sent a letter to the IG, CRPF Academy, Gurugram, forwarding the application of the petitioner seeking an exemption from the said training.

7. Even during this period, the petitioner was given further Commendation Certificates as well as a Medal for her outstanding work and successful completion of projects assigned to her.

8. The petitioner made a representation on 03.07.2021 to the DG, CRPF, CGO Complex, New Delhi, requesting to exempt her from attending the said Jungle Camp Training as she had already undergone the advance course and had done actual operations on ground, in the SOZ.

9. The petitioner was once again directed vide a Signal dated 16.08.2021 to undergo the Jungle Camp Training scheduled with effect from 11.09.2021 to 06.11.2021 with the 52nd Batch of DAGOs, for not having completed the Jungle Camp Training earlier.

10. The petitioner on 28.09.2021, took the DG's personal audience and requested him to grant her marks as per her performance in 4 days of the Jungle Camp, 7 days of Survival Camp, 4 days of Field Firing and Battle Inoculation as undertaken by her in the Jungle Training module of the



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Basic Training, and that her performance in CIAT Jungle Training Module be also taken into consideration.

11. However, *vide* a Signal dated 04.10.2021, the petitioner was again directed to report at the CRPF Academy, Gurugram by 09.10.2021 to attend the said training.

12. In response to this signal, the petitioner issued a Signal dated 05.10.2021, stating that she took the DG's personal audience and was later telephonically communicated that that if such an exemption was to be granted, the same would carry consequences. The petitioner acknowledged this and conveyed that she was prepared to accept those consequences. The petitioner claims that as a result, no move plan for attending the Jungle Training Module was submitted.

13. In response, the CRPF Academy, Gurugram issued a Signal dated 11.10.2021, which stated that the Academy is yet to receive decision taken from Directorate after the personal audience of the petitioner with the DG.

14. On 14.12.2021, the CRPF Academy, Gurugram issued a signal stating that since petitioner had not completed the Jungle Camp Training with the 50th, 51st and 52nd Batches, therefore, the CRPF Academy was not in a position to send her final assessment report for fixing of her *inter-se* seniority amongst her batch.

15. Subsequent thereto, on 06.04.2022, the CRPF Academy issued a signal directing the petitioner to undergo the Jungle Camp Training of



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DAGOs with the 53rd batch, tentatively scheduled from 24.01.2023 to 18.02.2023, which was followed by a Selo Message dated 25.04.2022.

16. On 30.08.2022, a Departmental Confirmation Committee was convened to consider the cases of Assistant Commandants who have completed two years' probation period, however, the petitioner was found to have low medical category/unsatisfactory records of service, therefore, her case was taken up by the Ministry of Home Affairs (MHA) for one year extension of her probation period. Aggrieved by the above actions of the respondents, the petitioner has preferred the present writ petition.

Submissions of the Parties

17. The learned counsel for the petitioner vehemently submitted that the petitioner had missed the Basic Jungle Camp Training with her batch due to her contracting Chicken Pox. She re-joined the said Training after being declared fit and successfully completed the seven days of Survival Module and four days of Field Firing and Battle Inoculation Module. He submitted that the petitioner had also undergone an advanced and specialised Course, that also comprised of seven days of Jungle Training Module, whereby the petitioner had gained significantly more experience than she would have acquired in the Jungle Camp in her Basic Training and, therefore, redoing the entire Basic Jungle Training is illogical. He submitted that even otherwise, the petitioner has extensive experience in



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handling the responsibility of different areas while doing varied Operations.

18. He submitted that the respondents are unappreciative of the fact that the petitioner could not conclude Basic Jungle Camp Training due to a valid reason, and the same cannot be held against her as being detrimental to her career progression, as the confirmation of her probation and her *inter-se* seniority fixation with her batch is being held up. He, thus, prayed that the Impugned Orders be quashed.

19. Refuting the arguments raised on behalf of the petitioner, the learned counsel for the respondents submitted that the Jungle and Survival Camp Training is one of the most vital and integral parts of the outdoor training programme in the DAGOs Basic Training syllabus. It is a two-week programme which gives trainees the confidence to conduct operations in a Jungle and tests their willpower, endurance and ability to plan and execute operations.

20. He submitted that the petitioner was not confirmed in the Force and her *inter-se* seniority was not determined as she had failed to complete the mandatory Jungle Training, which is evaluated for 150 marks. She was repeatedly directed to complete the said Training Programme, and each time a new batch was to be trained, she was detailed to undergo the said mandatory training. She was specifically directed to complete the Training with the 51st, 52nd and 53rd batches but she did not comply with these directions.



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21. The learned counsel brought to our notice Rule 8(b)(ii) of the CRPF Rules, 1955 and the instructions issued by the DG, CRPF *vide* letter no. C.IX.1/1998-Pers.-I dated 08.03.2001, and submitted that the guidelines are clear, that in case a trainee remains absent for more than five days during the Jungle Camp Training, such a Trainee is required to complete the Training with the next batch. He submitted that the petitioner was detailed thrice to complete the training, yet she blatantly refused to complete the training, citing extraneous reasons and accordingly, her final result of the Basic Training was kept in abeyance for want of the complete result in the said Training. He submitted that the said Training is binding on all DAGOs in the CRPF, and no relaxation is available to any Officer. He submitted that the relaxation of this rule in favour of any person would be violative of Article 14 of the Constitution of India.

22. The learned counsel for the respondents submitted that in these circumstances, the probation of the petitioner was extended twice and an ‘*advisory*’ was issued to her by the DG on 11.02.2022. The learned counsel, thus, submitted that in the peculiar circumstances wherein the petitioner had not only been negligent but also defiant, the interference of this Court is not warranted.

23. In support of his plea, the learned counsel for the respondents placed reliance on the decisions of Supreme Court in ***Union of India and Ors. v. Atul Shukla and Ors.***, (2014) 10 SCC 432, ***V. Ramana v. A.P.***



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SRTC and Ors., (2005) 7 SCC 338 and *Ram Saran v. IG of Police, CRPF and Ors.*, (2006) 2 SCC 541, *State of Manipur and Anr. v. Ksh. Moirangninthou Singh and Ors.*, (2007) 10 SCC 544.

24. The learned counsel for the petitioner, in rebuttal, submitted that instead of pressuring the petitioner to complete her Basic Training with her juniors after so many years, the petitioner has no objection if she is either awarded marks with respect to the Jungle Camp Training for the part of the Module that she had completed with her batch and her *inter-se* seniority be fixed accordingly, or that her seniority be fixed at the bottom of her batch.

Analysis and Findings

25. Having considered the submissions of the learned counsels for the parties and perused the record, what emerges is that the parties are *ad-idem* that the petitioner is a directly appointed Assistant Commandant of the 50th batch. She had reported to CRPF Academy, Khadarpur, Gurugram for Basic Training and had taken over charge of her post on 18.11.2017. She was placed under probation for a period of two years and for her confirmation to the said post, one of the criteria is completion of the Basic Jungle Camp Training, which consists of 150 marks.

26. It is not in dispute that during the Jungle Camp Training, after four days, she was diagnosed with Chicken Pox and was hospitalized. The petitioner was declared 'Fit' to resume her duty *vide* the Medical Certificate/Fitness to Return Duty Certificate dated 06.11.2018 and



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thereafter, on her request, she was permitted to complete the other two remaining modules of the Jungle Training, which she successfully completed. However, out of the fifteen days of the first Module of the Jungle Camp Training, she could attend only the first four days and could not complete the rest of the eleven days of training. It is further not in dispute that the respondents had time and again, directed the petitioner to complete her Basic Jungle Training with the 51st, 52nd and 53rd batches, but the petitioner did not join the said Training programme and sought repeated exemptions. Accordingly, her probation period was extended and her *inter-se* seniority with her batch was kept in abeyance.

27. The learned counsel for the petitioner has primarily submitted that even though the petitioner failed to conclude the first Module of the Jungle Training programme, the same is not of much relevance as she is a meritorious and an experienced officer, who has undergone the Advance Training Programme, which is at a higher footing than the Basic Jungle Training Programme, for which she was detailed at the time of her joining. More so, she has been actively involved operations on ground and has been awarded Commendations and Medals for the same. Therefore, the absence of the petitioner from a part of the said Training Programme on account of her illness should not be held against her, for not considering her case for confirmation as well as for fixation of her *inter-se* seniority.



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28. First and foremost, we may emphasize that the main purpose of providing for an Organizational Training System is to strengthen the Force by imparting training to a trainee at various levels. During the training, the trainees are expected to maintain a high standard of discipline and to strictly adhere to the orders regulating the discipline in the training institution. The importance of training can therefore, neither be doubted nor undermined.

29. In order to maintain the high standards of discipline in the training institute, on 08.03.2001, the DG, CRPF had issued a letter no. C.IX-1/1998-Pers.-I to the IGP/Principal ISA, CRPF, Mount Abu, Rajasthan, with regards to various administrative problems regarding training of DAGOs for which various decisions were taken with respect to grant of leave to them for their absence from training and examination.

30. In this regard, we deem it appropriate to refer to the guidelines issued by the DG *vide* the aforementioned letter dated 08.03.2001, regarding the various administrative problems of DAGOs training. The same read as under:-

1.	<i>Grant of leave to DAGOS</i>	<i>No leave including station leave on holidays should be granted during the period of training. The trainees should not be granted casual leave for more than 4 days at a time and not more than twice during the entire training period, that too only in extreme compassionate cases of serious illness or bereavement in the immediate family-meaning own parents, own brothers and sisters, grandparents.</i>
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2.	<i>Absence from training:-</i>	<i>Any one missing either indoor or outdoor classes beyond 30 days due to illness, hospitalization etc. should be asked to come back with next batch. In case of failures, rétest can be organized either during mid-term. course of the next batch along with the final test of next batch as the case may be.</i>
	<i>ii) How the period of missing of outdoorTrg. to be treated</i>	<i>This is left to the discretion of Principal, ISA.</i>
	<i>iii) How the period of missing of jungle training is to be treated</i>	<i>The suggestion of ISA is agreed to. If the absence is for more than 5 days the trainee should complete jungle camp training with next batch. However if he fulfils all other aspects/conditions, he may be allowed to appear for the final test.</i>
	<i>iv) How a trainee who misses field firing is to be treated</i>	<i>He should do field firing along with next batch.</i>
	<i>v) How a trainee who misses training continuously for a long period on medical ground is to be treated.</i>	<i>If a trainee is absent from institution for less than 30 days, he should be relegated for three months. However, if he remains absent over 3 months he could undergo complete course with next batch.</i>



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31. The Guidelines provide that in case of the absence of a trainee for more than five days while undergoing Jungle Camp Training, the trainee is required to complete the Jungle Camp Training with the next batch. If such a trainee fulfils all other aspects/conditions, he may be allowed to appear for the final tests.

32. Reference can also be made to Rule 8(b)(ii) of the CRPF Rules, which is provided as under:-

“8. Seniority .

(b) The inter se seniority of Superior Officers shall be determined as under:

(ii) The inter se seniority of direct recruits to the Central Reserve Police Force in the rank of Company Commander or Quarter Master or Assistant Principal, Central Training College, shall be determined in accordance with the aggregate marks obtained by them before the selection board and at the passing out examinations conducted after their basic training at the Central Reserve Police Force, Internal Security Academy.

An officer promoted locally in the Central Reserve Police Force or from a Subordinate Police Service in the State shall take rank immediately below the entire batch of direct recruits, any officer of which may have been appointed on the same date, the inter se seniority between local promotes from the States shall be determined with reference to their dates of birth.”

33. From a perusal of above Rule, what emerges is that the *inter-se* seniority of direct recruits is determined as per the aggregate marks obtained by such an individual before the selection board and at the



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passing out examination conducted after their basic training at the CRPF, Internal Security Academy.

34. In the present case, the petitioner was absent for more than five days due to her illness and failed to complete the Jungle Camp Training with her batch. However, she was allowed to complete the remaining two Modules of the Jungle Training and to go ahead for further training. Not only this, she was also detailed for the advance course comprising of an advance version of the Jungle Training. The respondents have neither disputed that the said advance course undergone by the petitioner was an advance version of Jungle Training and was superior to the Basic Jungle Camp Training, nor have they provided any reason for permitting the petitioner to undergo the advance course despite her not having completed the mandatory Basic Jungle Training.

35. It is also undisputed that the petitioner has done actual operations on ground. Therefore, in the above noted circumstances, it would be futile to insist that the petitioner should complete the Basic Jungle Camp Training with a much junior batch, as no constructive purpose would be achieved by emphasizing time and again, that the petitioner should complete her Basic Jungle Camp Training.

36. In view of the above, the respondents are directed to consider the confirmation of the petitioner's probation as per law, by disregarding the fact that she failed to complete her Basic Jungle Camp Training and to award marks to her for the period of training that she actually undertook.



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Further, if she qualifies, the seniority of the petitioner *inter-se* her batch be accordingly fixed, else, she be placed at the bottom of her batch's seniority list, subject to her fulfilling all the other criteria as required by law. This exercise be completed within a period of six weeks.

37. We must clarify here that the above direction is being passed in the peculiar facts of the present petition and should not be treated as a endorsement for claiming a right by the others, in spite of not completing the Basic Jungle Camp Training.

38. Consequently, the petition is allowed in the aforesaid terms. The pending application is disposed of accordingly.

SHALINDER KAUR, J.

NAVIN CHAWLA, J.

JANUARY 13, 2025
SU/SK

Click here to check corrigendum, if any