



2025:DHC:7039-DB



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

Date of decision: 11th AUGUST, 2025

IN THE MATTER OF:

+ **W.P.(C) 13474/2018**

SEPOY/GD DIWAKAR SAROJ

.....Petitioner

Through: Mr. Ajit Kakkar, Advocate

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Ms. Saroj Bidawat, Advocate with
Mr. Ajaypal, AC Law CRPF, Mr.
Ramniwas Yadav, CRPF.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE SAURABH BANERJEE

JUDGMENT (ORAL)

SUBRAMONIUM PRASAD, J.

1. By way of this Writ Petition filed under Article 226 of the Constitution of India, the Petitioner has prayed for setting aside the Order dated 16.09.2017 passed by the Commandant, 161 Battalion, CRPF, wherein an Order of dismissal from the service has been passed against the Petitioner herein.

2. Shorn of unnecessary details, the facts leading to the filing of this writ petition are that the Petitioner was enrolled in the Central Reserve Police Force (CRPF) as a Constable.

3. It is stated that *vide* Letter dated 22.09.2016, the verification of the



date of birth and educational certificates of the Petitioner was carried out by the Respondents through their correspondence to Deputy Secretary (Examination), Sampurnanand Sanskrit Vishwavidyala, Varanasi, U.P. (*hereinafter referred to as the 'University'*).

4. Material on record discloses that the University *vide* Communication dated 19.10.2016 informed the Respondents that the Matriculation Certificate No. 8315 for the year 1996, which had been submitted by the Petitioner for the purposes of employment of the CRPF was never issued to any student.

5. A Show Cause Notice was issued against the Petitioner on 06.12.2016. In his reply, the Petitioner stated that he was not aware that the Matriculation Certificate was not valid. A Departmental Enquiry was initiated under Section 11(1) of the CRPF Act, 1949 read with Rule 27 of the CRPF Rules, 1955 and charges were framed against the Petitioner.

6. Enquiry was conducted after giving due opportunity to the Petitioner. The Investigating Officer after perusing the record opined that the Petitioner had committed misconduct of producing fake certificates for the year 1996 which was the basis of his recruitment in CRPF and the act done by the Petitioner in giving the fake certificate comes under the category of punishable offence under Section 11(1) of the CRPF Act, 1949 read with Rule 27 of the CRPF Rules, 1955. The Commandant, 161 Battalion, CRPF *vide* Order dated 16.09.2017 dismissed the Petitioner from service with the said findings.

7. A perusal of the said Order discloses that the enquiry had been conducted in accordance with the procedure laid down in the CRPF Act.



Reasonable opportunity has been given to the Petitioner to defend himself. A communication has been received from the University stating that it has never issued such certificate to the Petitioner and the certificate is fake.

8. The Disciplinary Authority on the basis of the Enquiry Report passed an Order dismissing the Petitioner from service. The Petitioner, thereafter, filed an appeal against the said Order before the Deputy Inspector General, CRPF.

9. The Appellate Authority, i.e., Deputy Inspector General, CRPF, also accepted the conclusion arrived at by the Disciplinary Authority that the Petitioner had been recruited on the basis of a High School Certificate of the year 1996 issued by the University. The document verification was done by Group Centre, CRPF, Rampur, U.P. *vide* Letter dated 22.09.2016, which was replied to by the Deputy Secretary (Examination) *vide* Letter No.11590/2016 dated 19.10.2016, wherein it was informed to the Respondents that as per the record of the University, Roll No.8315, was never allotted to any student.

10. The Appellate Authority also noted the stand of the Petitioner that the document of Intermediate and B.A., which were submitted by the Petitioner herein, were not fake. The stand of the department was that since the Petitioner's High School Certificate is fake, the Petitioner cannot be permitted to continue in the organisation even if the Petitioner was not aware of the fact that the certificate was fake. The Deputy Inspector General *vide* Order dated 31.05.2018 upheld the Order passed by the Disciplinary Authority.

11. Thereafter, the Petitioner preferred an appeal before the Revisional



Authority, i.e., Inspector General of Police, CRPF challenging the Order passed by the Deputy Inspector General of Police, CRPF. The Revisional Authority *vide* Order dated 30.01.2019 has dismissed the appeal filed by the Petitioner herein. The Petitioner has now approached this Court by filing the instant writ petition challenging the said Orders.

12. Learned Counsel for the Petitioner states that the Petitioner was not aware of the fact that the certificate was not valid and that in any case, it is not a forged certificate. He states that the Petitioner, on the basis of this certificate, has obtained other degrees which have not been found fault with, meaning thereby, he has not committed any fraud and it is a case of genuine mistake. He states that the service record of the Petitioner is blemishless and in view of the fact that the Petitioner did not have any *mens rea* of forged certificate, the Order of termination issued against the Petitioner requires interference by this Court.

13. Learned Counsel for the Petitioner draws the attention of this Court to an Order dated 04.09.2018 passed by this Court in W.P.(C) 9248/2018, wherein liberty was granted to the Petitioner to approach the Respondents once again for redressal of his grievances, of course, if such remedy was available to him.

14. *Per contra*, learned Counsel for the Respondents vehemently contends that the University in no uncertain terms has stated that the certificate had not been issued by them; which means the Petitioner has given a forged and fake certificate. It is stated that it cannot be said by the Petitioner that he was not aware and the same is unsustainable.

15. Heard learned Counsel for the parties and perused the material on



record.

16. The dismissal of the Petitioner from service has been affirmed by the Appellate Authority, i.e., the Deputy Inspector General, and the Revisional Authority, i.e., the Inspector General, to whom appeals were also preferred. There is no argument of the Petitioner that the procedure has not been followed.

17. This Court has gone into the material on record and is of the opinion that the Departmental Enquiry has been conducted by the Respondents after following the procedure as laid down in the CRPF Act and the Rules. Adequate opportunity has been given to the Petitioner to represent his case and defend himself at all stages.

18. On the basis of denial of the University in unequivocal terms that it has not issued the certificate, it is for the Petitioner to show as to how he got hold of the certificate, failing which the Petitioner cannot escape the conclusion arrived at by the authorities that the certificate is a false document. Once it is held that the document based on which the Petitioner got inducted is a false document, it does not matter as to whether the Petitioner has got another higher degree, the admission to which would have been secured by the Petitioner only on the basis of the High School Certificate on which the Petitioner places reliance. The Petitioner cannot be benefitted to take advantage of the fact that the certificate was not verified at the initial stage. Even otherwise, the fact that it was not verified at the initial stage, does not take away the rights/powers of the Respondents herein to verify the educational qualifications of any person inducted in the CRPF.



19. The only question which arises for consideration is as to whether the punishment of dismissal of the Petitioner from service is disproportionate or not.

20. It is now well settled that while examining the issue of proportionality of the quantum of punishment, unless the punishment is shockingly disproportionate to the misconduct, Courts must not interfere. It is also well settled that producing a false certificate is also a misconduct and the question of *mens rea* in such cases becomes irrelevant and disciplinary authorities need not look into the question of *mens rea* at all.

21. In B C Chaturvedi v. Union of India & Ors., **1995 (6) SCC 749**, the Apex Court has held that the Courts should not interfere with the punishment awarded unless the punishment is one which shocks the conscience of the Court and also that Courts do not substitute their opinion to the one arrived at by the authorities in the matter of punishment.

22. Similarly, in Indian Oil Corporation Limited v. Rajendra D. Harmalkar, **2022 (17) SCC 361**, the Apex Court reiterated that the scope of interference by the Courts is only limited where the punishment imposed shocks the conscience of the Court.

23. It is well settled that Courts while reviewing punishment, interfere with the quantum of punishment only if it is satisfied that *Wedesbury's Principles* are violated. Only in rare cases, where there is a long delay in the disciplinary proceedings or where it shocks the conscience of the Court, the Courts can substitute its own view as to the quantum of punishment. The same principle has been followed in the case of Union of India v. Diler Singh, **2016 (13) SCC 71**.



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24. Taking this view of the matter, this Court is not inclined to interfere with the decisions of the authorities and the Orders Impugned herein.

25. With these observations, the Petition is dismissed along with pending application(s), if any.

SUBRAMONIUM PRASAD, J.

SAURABH BANERJEE, J.

AUGUST 11, 2025

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