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

+ **W.P.(C) 13561/2018**

HAV/GD JAI BHAGWANPetitioner

Through: **Mr. Ajit Kakkar, Adv.**

versus

UNION OF INDIA AND ORS.Respondents

Through: **Ms. Saroj Bidawat, Adv. alongwith
Mr. Ajaypal, AC Law CRPF, Mr.
Ramniwas Yadav, CRPF.**

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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11.08.2025

1. By way of the present writ petition, the petitioner seeks to set aside the order dated 20.04.2018 passed by the Commandant-161BN, Central Reserve Police Force (hereinafter referred as “**CRPF**”), whereby the petitioner was removed from service, and the order dated 25.07.2018 passed by the Deputy Inspector General, CRPF, Rampur Range affirming the aforesaid order of removal.

2. Shorn of unnecessary details, the facts of the case reveal that the petitioner had appeared in the examination for appointment in CRPF in the year 1991, and upon successfully clearing the same, the petitioner was appointed in CRPF, where he continued to serve from 1991 onwards. Thereafter, in the year 2016, a complaint was filed against the petitioner by one Mr. Ashwani Kumar stating that the petitioner has filed a fake 10th



standard certificate to get enrolment in CRPF. The proceedings against the petitioner were initiated by the respondents and a charge-sheet was filed against the petitioner on 18.01.2018. The charge levelled against the petitioner reads as under:-

“(Charge No.1)

That No. 911124677 Hav/GD Jain Bhagwan (D/161) of this BN has depicted misconduct under Sec. 11(1) of CRPF Act 1949 as a member of the Force by producing the fake documents of 10th St. No. 286, Roll No. 2656 for the year 1990 upon which he was recruited for the post of Sepoy/GD on 08.11.1991, which is against the discipline and rule of force and penal offence under the provisions of Sec. 11(1) of CRPF Act 1949 and Rule 27 of CRPF Rule 1955.”

3. An enquiry was initiated against the petitioner *vide* order dated 07.02.2018. In the course of the departmental inquiry proceedings, the petitioner pleaded ‘*not guilty*’ of the charges. The statement of prosecution witnesses were, thereafter, examined in the presence of petitioner, who was afforded an opportunity to cross-examine them, however, he refused to do so. Subsequently, copies of statements of all the witnesses along with documentary evidences were handed over to the petitioner and he was called upon to produce witnesses in his defence. In response thereto, the petitioner merely submitted an application in his defence.

4. Thereafter, the enquiry officer on the basis of the statements of prosecution witnesses and documents found the charge against the petitioner as ‘**Proved**’. Based on the said Inquiry report, the Disciplinary Authority, *vide* order dated 20.04.2018 removed the petitioner from his services. The relevant extract of the order dated 20.04.2018 reads as under:-

*“3.....Finding of the Investigating Officer:-
(01).....*



(02) *The Deputy Inspector of Police, Sansad, Duty Group, CRPF, Kalka Ji, New Delhi has verified the 10th Standard certificate of Hav/GD, Jai Bhagwan from The University Grants Commission, Bahadurshah Zafar Marg, New Delhi. In this response a letter has been received vide letter 1-2/2015 (A.M.P.C) dated 19.09.2016 that Varanaseya Sanskrit Vishwavidyela was in existence from 1956 to 1974 in Varanasi, Uttar Pradesh and on 16.12.1974 the University has change his old name from Varanaseya Sanskrit Vishwavidyela to Sampurnanand Sanskrit Vishwavidyela. Varanaseya Sanskrit University of Varanasi, Uttar Pradesh is a fake university after the 16.12.1974 and it has been registered in a list of fake university till the present time.*

(03) *The verification of education certificate of said personal has been verified by Secretary secondary education council, Allahabad, Uttar Pradesh. As per the Secretary secondary education council, Allahabad, Uttar Pradesh letter Parishad-9/837 dated 05.12.2016 and the Mark Sheet and Certificate of Varanaseya Sanskrit University of Varanasi of dated 16.12.1974 are not valid.*

04) *No. 911124677 Hav/GD Jai Bhagwan has been transferred from Sansad Duty Group, CRPF, Kalkaji, New Delhi to 161BN and personal has reported in this BN on 01.07.2017. Afterward shri Manish Saxena Assistant Commandant was appointed for Initial Enquiry vide this office order No. P8-1/2017-161-Est-2 dated 05.07.2017. On the Opinion and recommendation of Investigation Officer, has requested to the Secretary's examination, Varanaseya Sanskrit University, Varanasi for the verification of the said personal's documents vide this office letter no. P8-1/2017-161-Est-2 dated 29.07.2017. Not received any reply has made request to 95 BN for verification of documents of said personal vide letter no. P8-1/2017-161-Est-2 dated 30.11.2017. In response to that due to the response of Commandant-95 BN letter V2-1/16-95-Est-5 dated 26.12.2017, The Examination controller of Sampurnanand Sanskrit University, Varanasi has informed vide his letter no. 3204/2017 dated 19.12.2017 that the letter no. 1286116 dated 31.08.2016 Verification Number which is issued in the name of Dy. Director police, PDG, CRPF, Kalka Ji, New Delhi has not been issued by the University. Letter No. P8-1/2017-161-BN-2 dated 29.07.2017 this office along with copy of mark sheet through letter no 286 Roll No. 2656 (before the year 1990) upon which Varansai Sanskrit University has been printed, the mark sheet has not been issued from Sampurnanand Sanskrit University because Varanasi Sanskrit University, Varanasi was recognized only till the year*



1973 to 74”

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07. After the study of departmental investigation and report it is clear that during the investigation personal has not produce any witness or any substantial evidence in his defense and during the investigation, Person has been given a full chance to defend himself. The guilt has been proved against the person. Therefore, keeping in mind the long service of the personnel, the accused No. 911124677. Hav/GD Jai Bhagwan, while using the powers conferred under rule 27 of the CRPF Rules, 1955 read with Section 11. (1) of the CRPF Act 1949, I pass the following orders on departmental investigation:-

(01) No. 911124677 Hav/GD Jai Bhagwan D/161 is removed from the Force on 20.04.2018 and is also Struck Off strength from this date.

(02) As per the rule of under Sec 12 (1) of CRPF Act 1949, all the medals awarded to No. 911124677 Hav/GD Jai Bhagwan (D/161) are being confiscated.....”

5. Aggrieved thereby, the petitioner filed an appeal before the Deputy Inspector General, Rampur Range, which was rejected vide order dated 25.07.2018. The relevant portion of the said order reads as under:-

“On the opinion and recommendation of Investigating Officer, this office had requested the Secretary Examination, Varanaseya Sanskrit University, Varanasi for the verification of the said personnel's documents vide letter no. P8-1/2017-161-Est-2 dated 05.07.2017. Upon not receiving verification report, this office has made request to 95 BN for verification of documents of said personnel vide letter no. P-8-1/2017-161-Est-2 dated 30.11.2017. In response, through letter of Commandant-95 BN letter V2-1/16-95-Est-5 dated 26.12.2017, the Examination Controller of Sampumanand Sanskrit University, Varanasi has informed vide his letter no. 3204/2017 dated 19.12.2017 that the letter no. 1286116 dated 31.08.2016 Verification Number which is issued in the name of Dy. Director police, PDG, CRPF, Kalkaji, New Delhi has not been issued by the University. Letter No. P8-1/2017-161-BN-2 dated 29.07.2017 this office along with copy of mark sheet through letter no 286 Roll No. 2656 (before the year 1990) upon which Varansai Sanskrit University has been printed, the mark sheet has not been issued from Sampumand Sanskrit University because Varanasi Sanskrit University, Varanasi was recognized only till the year 1973 to 74 whereas the enclosed mark sheet has been issued in 1990. In this manner No. 99924677, Hav/GD, Jai Bhagwan



submitted educational certificate no 286 with roll no 2656 (1990) has depicted misconduct by securing enrollment in the CRPF which is against the rules and regulations also punishable under section 11 (1) CRPF Act 1949 and Rule 27 of CRPF Act of 1955.

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05. Upon perusal of the appellant's appeal and his record the following facts emerge:-

01) That, No. 911124677 Hav/GD Jai Bhagwan (D/161) of 161 Bn, C.R.P.F., being a member of the force, has depicted neglect towards duty and misconduct under Section 11(1) of the C.R.P.F. Act, 1949 by producing fake 10th Standard certificate with Roll No.286 and certificate no-2656 (Poormadhyama Year-1990) by which he has enrolled himself in this force, which is against the discipline and rules of the force and are punishable offence under Section 11(1) of the C.R.P.F. Act, 1949 and Rule 27 of the C.R.P.F Rules, 1955. Shri Ashwini Kumar, B-84, Yadav Nagar, Samaypur, Delhi Mob No. 9711011120 has complained about No. 911124677 Hav/GD Jai Bhagwan S/o Shri Ravi Datt, Village - Bhigan, Thana - Murthal, District - Sonipt Haryana vide DG diary no. 2360 dated 13.06.2016 that he is 9th pass and has been recruited on the basis of 10th fake mark sheet.

02) Deputy Inspector of Police, Sansad, Duty Group, CRPF, Kalka Ji, New Delhi has verified the 10th Standard certificate of Hav/GD, Jai Bhagwan from The University Grants Commission , Bahadurshah Zafar Marg, New Delhi, in reply to which, a letter was received vide letter no. 1-2/2015 (A.M.P.C) dated 19.09.2016 that Varanaseya Sanskrit Vishwavidyalaya was in existence from 1956 to 1974 in Varanasi, Uttar Pradesh and on 16.12.1974 the university has changed its name from Varanaseya Sanskrit Vishwavidyela to Sampurnanand Sanskrit Vishwavidyela. Varanaseya Sanskrit University of Varanasi, Uttar Pradesh is a fake university after the 16.12.1974 and it has been registered in the list of fake universities till the present time.

03) The verification of education certificate of the said personnel was also verified by Secretary Secondary Education Council, Allahabad, Uttar Pradesh. As per the Secretary Secondary Education Council, Allahabad, Uttar Pradesh letter Parishad- 9/837 dated 05.12.2016, the said personnel's Mark Sheet and Certificate of Varanaseya Sanskrit University of Varanasi of dated 16.12.1974 were not valid."



6. Thereafter, the petitioner filed a revision petition before Director General CRPF and Inspector General of Police, Dehradun Sector which too was rejected *vide* order dated 28.01.2019 and the findings of the Disciplinary Authority and the Appellate Authority was maintained.

7. Learned counsel appearing for the petitioner states that the petitioner was unaware of the fact that the University from which he obtained matriculation certificate was not recognised. He states that the petitioner served the force diligently from 1991 till his removal from service, i.e. 20.04.2018. He further states that after putting 27 years of blemishless service, the petitioner ought not have been removed from service. Lastly learned counsel for petitioner submits that without prejudice to his rights, the petitioner is willing to forgo the reliefs qua removal, if the pensionary benefits are granted to him.

8. *Per contra*, learned counsel for the respondents states that since the petitioner has given a certificate which is not valid in the eyes of law, he is not entitled to any indulgence from this Court. To buttress her contentions, learned counsel for the respondent places reliance on ***M/s. Indian Oil Corporation v. Sh. Rajender D. Halmalkar***, (2022 SCC OnLine SC 486).

9. Heard the learned counsel for the parties and perused the record.

10. As per records, the minimum educational qualifications required for appointment to the post of Constable in CRPF is matriculation and above. Though the petitioner has furnished a matriculation certificate issued by Varanaseya Sanskrit Vishwavidyalaya issued in the year of 1990, however, the material on records indicate that Varanaseya Sanskrit Vishwavidyalaya had been recognized only up to year 1974. Therefore, it is evident the certificate was issued from a University which had lost



recognition post 1974.

11. The material on record also indicates that during the enquiry proceeding, it has come on record that after Varanaseya Sanskrit Vishwavidyalaya lost its recognition, Sampurnanand Sanskrit Vishwavidyalaya was the University which was recognised to give matriculation certificates. A perusal of the documents shows that the petitioner's certificate and marksheet were issued by an institution which was otherwise not recognised.

12. In view of the above, the petitioner's entry into the service was not proper and in accordance with the prescribed eligibility criteria. The plea of the petitioner that he was not aware that the University had not recognised cannot be accepted. The petitioner cannot be given any benefit of an appointment which, had the facts about non-recognition been known, would not have been granted to him. The issue herein is of not having any intention or *mens rea* to cheat, but of producing a certificate which is otherwise not valid in the eyes of law.

13. In view of the above, this Court is not inclined to interfere with the order dated 20.04.2018 passed by the office of the Commandant-161BN, CRPF and the order dated 25.07.2018 passed by the Deputy Inspector General, CRPF, Rampur range. Accordingly, the present petition stands dismissed.

14. In view of the fact that since the petitioner had already served about 27 years of unblemished service, the counsel for the petitioner prays that he should be permitted to give a representation to the respondents to consider as to whether the petitioner may be granted pensionary benefits.

15. Without commenting as to whether the petitioner is entitled to such



a relief or not, it is always open for the petitioner to make a representation and if any representation is made, the respondents shall deal with it in accordance with law.

SUBRAMONIUM PRASAD, J.

SAURABH BANERJEE, J.

AUGUST 11, 2025/bh