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

+ W.P.(C) 1610/2026, CM APPL. 7864/2026, CM APPL. 7865/2026

UNION OF INDIA & ORS.Petitioners

Through: Mr. Syed Abdul Haseeb,
CGSC.

versus

MUKESHRespondent

Through: Ms. Esha Mazumdar, Mr. Setu
Niket, Mr. Manish Kumar, Ms.
Muskan Sharma, Advts.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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05.02.2026

1. Through the present Petition, the Petitioners assail the correctness of the order dated 08.08.2025 [hereinafter referred to as 'Impugned Order'] passed by the Central Administrative Tribunal [hereinafter referred to as 'CAT'], whereby the O.A. No.71/2025 filed by the Respondent was disposed of, permitting the Petitioners to reconsider the Respondent's candidature in light of the judgment of the Hon'ble Supreme Court in *Pramod Singh Kirar v. State of Madhya Pradesh*, Civil Appeal No. 8934-35/2022, and further directing the Petitioners to appoint the Respondent to the post of Constable, as he was otherwise found to be meritorious and eligible for the said post.

2. The Respondent, despite having been selected, was denied



appointment to the post of the Constable (Driver) on account of a criminal case registered against him arising out of marital discord between the Respondent and his wife. The Respondent was acquitted of the charge under Section 498A of the Indian Penal Code, 180 [hereinafter referred to as 'IPC'] *vide* judgment dated 10.10.2023, and the offence under Section of the 406 IPC was compounded pursuant to a mutual settlement between the parties. Subsequently, the marriage between the Respondent and his wife stood dissolved by mutual consent, and a decree of divorce was granted under Section 13B of the Hindu Marriage Act, 1955 on 18.10.2023. It is further noted that the Respondent had previously served with the Central Industrial Security Force (CISF) for a period of seven years, and there is no other complaint or adverse material on record against him.

3. Undoubtedly, the employer possesses the discretion to take into consideration relevant facts and circumstances before offering employment. However, such discretion is required to be exercised judiciously and in a fair and reasonable manner, keeping in view the facts of each case.

4. In the present case, the allegations against the Respondent arose solely out of matrimonial discord. There is no other material on record to indicate any blemish on the character or conduct of the Respondent. The order passed by the Competent Authority denying appointment to the Respondent reflects lack of proper application of mind to the relevant facts and the settled legal position.

5. Keeping in view the aforesaid facts and circumstances, this Court does not find any reason to exercise its extraordinary jurisdiction under Article 226 of the Constitution of India.

6. The present Petition is accordingly dismissed. All pending



applications also stand closed.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

FEBRUARY 5, 2026

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