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

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*Date of Decision : 17.02.2026*

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**W.P.(C) 970/2026****ABHISHEK YADAV****.....Petitioner**

Through: Mr. Kartik Sharma, Adv.

versus

**UNION OF INDIA & ORS****.....Respondent**

Through: Mr Atul Tanwar, GP for UOI.

**CORAM:****HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****V. KAMESWAR RAO, J. (ORAL)**

1. This petition has been filed with the following prayers:

*“a) Quash and set aside the impugned order dated 30.06.2025 passed by the Commandant, 62 BN, BSF, dismissing the petitioner from service on the ground of alleged submission of a false certificate during recruitment;*

*b) Declare that the impugned dismissal order is illegal, arbitrary, and violative of the petitioner’s fundamental rights under Articles 14 and 21 of the Constitution of India;*

*c) Direct the respondents to reinstate the petitioner forthwith into his service with all consequential benefits, including continuity of service, salary, allowances, promotions, and other service-related perks from the date of dismissal till reinstatement;*

*d) Grant interim relief restraining the respondents from taking any coercive action against the petitioner pending the disposal*



*of the present writ petition;*

*e) Pass such other or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case to meet the ends of justice and equity."*

2. In essence, the petition lays challenge to the order dated 30.06.2025 (impugned order), passed by the commandant 62 BN, BSF, whereby the petitioner was dismissed from service as a constable (cook) on the ground of submission of a false certificate during his recruitment in the year 2024. The petitioner is seeking reinstatement and other consequential reliefs. The Commandant, 62<sup>nd</sup> Battalion BSF, by invoking his powers vested under Section 11(2) of the Border Security Force Act, 1968 read with Rule 17 and Rule 10(2) of the BSF Rules, 1969, dismissed the petitioner from service *vide* order dated 30.06.2025.

3. Mr. Kartik Sharma, learned counsel appearing for the petitioner submits that the petitioner was appointed in the BSF on 11.03.2024 *vide* order No. Estt/Rectt/62Bn/BSF/2024/5903-16, dated 05.04.2024. He was placed in the Pay Matrix level- 3, on a pay scale of Rs. 21,700 per month. The skill/trade certificate bearing No. FR047-LIT-NSDC-54776, submitted by the petitioner, issued by the National Skill Development Corporation (NSDC), Government of India, was forwarded by the 62<sup>nd</sup> Battalion BSF to the concerned Issuing Authority for authentication and verification. This was effected *via* Letter No. Estt/3075/Rectt/62Bn/BSF/2025/3617 dated 10.03.2024. The petitioner understood and accepted the conditionality of his appointment being subject to the outcome of this verification exercise, which, to his understanding, was a routine and procedural formality to be complied with in good faith.



4. On 22.03.2025, the NSDC, Thiruvananthapuram, Kerala, issued an adverse report *vide* Letter No. Nsim/Skill/244/2025, stating that the certificate produced by the petitioner was not issued by their office and bore signatures not attributable to any of its officials. This report directed further investigation. Consequently, the petitioner was issued a show cause notice dated 25.04.2025, bearing Letter No. Estt/3009/SCN/62Bn/BSF/2025/149, whereby the petitioner was granted a reasonable opportunity to demonstrate cause against the proposed action of dismissal, on the ground of the submission of the false certificate. The petitioner submitted his representation dated 10.05.2025, elucidating his reasons.

5. Mr. Sharma states that the petitioner, hailing from a marginalised background, was not aware of the falsity of the certificate and didn't possess any *mens rea* to submit the certificate fraudulently. As soon as he noticed the defect, he promptly secured the genuine certificate from the competent Issuing Authority and submitted the same. His submission is that the petitioner has sincerely served for 15 months and is the sole earner for his dependent family. He even qualified a food production course (NSDQF-1) to meet the requisite standards, which further reflects his bonafide. However, notwithstanding the same, the petitioner was dismissed *vide* the impugned order.

6. He further states that aggrieved by the order of dismissal, the petitioner submitted his representation dated 11.08.2025, to the Inspector General, Frontier Headquarters, BSF Kashmir, seeking reconsideration of the dismissal order and reinstatement into service. The Learned Inspector General, by order dated 08.11.2025, upheld the dismissal order. The



dismissal was effectuated without pensionary or other service benefits, and consequential recovery proceedings over outstanding dues and identity documents were initiated concurrently. He states that the dismissal ought to have incorporated a comprehensive enquiry, with opportunity to produce evidence and be heard in a reasonable manner. However, the impugned order was passed mechanically. The same is against the doctrine of proportionality as the punishment must have been calibrated to the gravity of the misconduct. It is also against the principle of *audi alteram partem* and the present case establishes a *prima facie* case of leniency. There exists no previous misconduct or antecedents of delinquency on part of the petitioner. Hence, the impugned order is disproportionately passed in exercise of administrative discretion, and goes against the judgments in the cases of ***Devendra Kumar v. State of Uttaranchal*, (2013) 9 SCC 363; Rajasthan Rajya Vidyut Prasaran Nigam Ltd. v. Anil Kanwariya, 2021 SCC OnLine SC 739** and ***Government of NCT of Delhi v. Udai Singh, W.P.(C) 4689/2008***.

7. We are unable to agree with the submission made by Mr. Kartik Sharma. This is for the reason that the nature of charge imputed against the petitioner is of a very serious nature inasmuch as he has submitted a false certificate while seeking appointment as Constable Cook in BSF.

8. In fact, we find that the aspect of the petitioner submitting a false certificate has not been contested. The only plea advanced by Mr. Sharma is of leniency. Given the charge framed against the petitioner and the said charge having not been disputed, no leniency can be shown in such circumstances.



9. The plea of Mr. Sharma that the petitioner was not aware of the certificate given by a third Person is false and hence, he did not possess any *mens rea* to submit this certificate fraudulently would also not help his case.

10. This we say so, as, concedingly, the petitioner was the beneficiary of the said certificate. He should have been vigilant enough to ensure that the certificate which he is submitting is a genuine one.

11. The facts of this case reveal that there is no merit in the petition, we accordingly dismiss the same.

**V. KAMESWAR RAO, J**

**MANMEET PRITAM SINGH ARORA, J**

**FEBRUARY 17, 2026**

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