$~185 and 187

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

% *Date of Decision:02nd November, 2026*

\# **CNR No. DLHC010528972026**

\+ W.P.(C) 16249/2026

EX-CT/GD DHEERENDRA SINGH .....Petitioner
Through: Mr. Survesh Singh and Mr. Durgesh Kumar Gupta, Advocates.

versus

UNION OF INDIA & ORS. .....Respondents
Through: Mr. Neeraj Dubey, SPC.

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\# **CNR No. DLHC010529102026**

\+ W.P.(C) 16262/2026

EX CT GD RISHI KUMAR .....Petitioner
Through: Mr. Survesh Singh and Mr. Durgesh Kumar Gupta, Advocates.

versus

UNION OF INDIA & ORS. .....Respondents
Through: Mr. Neeraj Dubey, SPC.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH
HON'BLE MR. JUSTICE GURVINDER PAL SINGH

JUDGEMENT

JYOTI SINGH, J. (ORAL)

CM APPL. 76111/2026 in W.P.(C) 16249/2026
CM APPL. 76139/2026 in W.P.(C) 16262/2026 *(Exemptions)*

1. Allowed, subject to all just exceptions.

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2. Applications stand disposed of.

W.P.(C) 16249/2026 and W.P.(C) 16262/2026

3. These writ petitions have been filed by the respective Petitioners challenging their termination from service by way of removal. Since common legal issues arise in these petitions, they were heard together and are being disposed of by this common judgment.

4. Issue notice.

5. Mr. Neeraj Dubey, learned SPC accepts notice on behalf of Respondents.

6. To the extent necessary, the facts as pleaded by the Petitioners are that Staff Selection Commission (SSC) issued Notification dated 24.01.2015 for recruitment to the posts of Constable (GD) in CAPFs, NIA & SSF and Rifleman in Assam Rifles. Petitioners applied for the post of Constable (GD) in CAPFs and cleared the written examination as also PET/PST and medical examination and offers of appointment were issued to them on different dates and Petitioner in W.P. (C) 16249/2026 as also Petitioner in W.P. (C) 16262/2026 joined SSB.

7. It is stated that letter dated 12.05.2016 was sent by IG (Special Ops), BSF, Bengaluru to CBI informing that unfair means, in the form of corruption, had been adopted at the time of recruitment at STC, BSF, Bengaluru and there was suspicion that there were some senior officers of BSF as also large number of personnel may be involved and thus, investigation was required. CBI registered a case under Section 120-B read with Sections 420, 467, 468 and 471 of IPC and Sections 8, 12 and 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988 (1988 Act). Thereafter, CBI filed a charge sheet on 20.10.2019 against 167 persons,

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including the Petitioners and also recommended cancellation of selection and consequent appointment of 165 candidates.

8. It is stated that pursuant to recommendation of CBI to Ministry of Home Affairs (MHA) vide letter dated 17.09.2019, individual show cause notices were issued to the Petitioners alleging that the Domicile Certificates submitted by the Petitioners were obtained on the basis of fake documents and false information and therefore, it was proposed to terminate their services. Basis of the show cause notices, as stated therein, was verification exercise into the character and antecedents of the Petitioners, their school certificates, addresses mentioned in the enrolment forms as also application forms. Petitioners submitted replies to the show cause notices denying that the Domicile Certificates were based on fake documents or false information and raised legal issues such as termination cannot be effected without regular enquiry and lack of authentication by the Revenue Authorities which issued the Domicile Certificates.

9. It is stated that despite satisfactory replies by the Petitioners and legal grounds raised pointing out the illegality and arbitrariness in the stand of the Respondents, termination orders were issued by the Respondents. Appeal filed by Petitioner in W.P. (C) 16262/2026 was rejected.

COMMON CONTENTIONS RAISED BY THE PETITIONERS

10. Show cause notices sent to the Petitioners calling upon them to file their responses was an empty formality as Respondents had already decided to cancel the candidatures/appointments of the Petitioners, which is palpably demonstrated from communication dated 14.01.2020 sent by Under Secretary, MHA, Government of India to DIG, CRPF forwarding CBI letter dated 17.09.2019, wherein it was stated that Competent Authority had

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approved the recommendation of CBI to cancel the candidature of 165 candidates of 2015 Examination. Therefore, the show cause notices were a mere farce and a smoke screen only to make out a case that Petitioners were heard and principles of natural justice were complied with, whereas the fact was that decision was already taken by the Government to terminate the services of the Petitioners prior to the issuance of the show cause notices.

11. The show cause notices mentioned that the Domicile Certificates were obtained by the Petitioners on the basis of fake documents and false information, however, it is not brought forth as to which fake documents were used by the Petitioners to obtain the Domicile Certificates and/or on what basis Respondents came to a conclusion that the documents furnished were fake or the information provided was false, since no independent enquiry was conducted by the Respondents before reaching this erroneous conclusion.

12. The Domicile Certificates furnished by the Petitioners are genuine documents and have been issued by the concerned and competent revenue authorities and till date the same have not been cancelled or even questioned by the said authorities in the respective States. In fact, even the Respondents have made no effort to make enquiries from the authorities issuing these certificates to ascertain the authenticity and/or directing them to cancel the certificates and the certificates being valid and genuine, there was no reason to terminate the services of the Petitioners, merely because CBI had recommended cancellation of candidature/termination of services. Strangely, even in the CBI case, no officer belonging to the revenue departments in various States responsible for issuing the certificates, are co-accused.

13. Petitioners are regularly appointed employees and their services have

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been illegally dispensed with, without conducting any enquiry or disciplinary proceedings in accordance with the statutory rules of the respective Forces, which is impermissible in law. The termination is thus without any conclusive evidence on whether the Domicile Certificates are fake since even the criminal prosecution is at a nascent stage. It is trite that if there are allegations of misconduct or using fake or forged documents against an employee, an employer is under a mandate of law to conduct an enquiry and give an opportunity to the employee to lead evidence and defend his case, failing which termination cannot be sustained. Petitioners, in the instant cases were appointed and joined service and therefore, a vested right accrued in their favour to be given an opportunity to defend themselves in a regular enquiry and prove their innocence by leading evidence.

14. The Domicile Certificates, which are in question, were issued by the revenue authorities and there is presumption of their validity in law, unless it is proved otherwise. Each of the certificates issued in favour of the Petitioners were issued after due verification of the number of years they resided in the respective States at the given addresses. There is no cogent material on record till date which establishes that the revenue authorities did not satisfy themselves of the proof of residences of the Petitioners and it is apparent that the only basis of concluding that the certificates are based on fake documents are the CBI/MHA communications.

15. Cases of the Petitioners are squarely covered by the judgment of the Division Bench of this Court in ***Ex CT/GD Shiv Kumar v. Union of India and Ors., W.P. (C) 15017/2023,*** decided on 19.08.2026, wherein pertaining to the same examination, the Petitioner was terminated and his termination has been set aside on grounds raised by the present Petitioners in the present

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petitions.

COMMON CONTENTIONS ON BEHALF OF THE RESPONDENTS

16. The orders terminating the Petitioners are legal and justified and call for no interference. CBI had authentic information that unfair means had been used in matter of recruitment at STC, BSF, Bengaluru and large number of personnel including senior officers of BSF were suspected to be involved and hence, case was registered by CBI on 12.05.2016, followed by filing of charge sheet on 20.10.2019 against 167 persons, which includes the Petitioners herein. Basis the communication dated 17.09.2019 received by MHA from CBI recommending cancellation of selection and appointment of 165 candidates, show cause notices were issued to the Petitioners and there is no gainsaying that as an employer, Respondents have the right to take cognisance of the serious allegations and take consequent action and no fault can be found with the decision to terminate the services of the Petitioners.

17. Recruitment to CAPFs has to be conducted in a fair and transparent manner and in accordance with merit as also taking into consideration applicable reservations and State-wise allocation requirements. Where selection is made against a particular State-quota, Domicile Certificate is an important and material document for assessing the eligibility of a candidate applying for appointment to Government service. Petitioners have no right to question the decision of the Respondents to take action once it was found during verification that unfair means and malpractices were adopted in the selection process, bordering on corruption, particularly, relating to Domicile Certificates furnished by the Petitioners giving false residential addresses etc. Illustratively, Petitioner in W.P. (C) 15507/2023 in his verification roll mentioned his place of birth as District Hapur, U.P. and Bangalore as the

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State to which he belonged. In Para 4 of the same verification roll, residential address given was 578, Indian Express Layout, Vidyaranyapura, Bangalore from 22.03.2008 to 25.02.2017 and House No. 785, AES Layout, Attur Village, Yelahanka, New Town, Bangalore from 26.02.2017, however, in the Domicile Certificate issued by Government of Karnataka dated 23.02.2011, the address mentioned was House No. 578, Indian Express Layout, Vidyaranyapura, Bangalore for the last three years. Therefore, rightly the Domicile Certificates were found to have been obtained on the basis of fake documents and false information.

18. It is incorrect for the Petitioners to contend that principles of natural justice have been violated inasmuch as before taking action, show cause notices were issued to the Petitioners setting out the allegations and calling upon them to furnish their defence. Perusal of the show cause notices reflects that there was sufficient and cogent material available with the Respondents to issue the notices proposing termination. Communication dated 14.01.2020 sent by MHA was issued on the basis of sufficient material available with the Government pointing to the unfair means and corrupt practices during the recruitment process. In a disciplined Force, such adverse material cannot be ignored and once it came to light that Domicile Certificates were not authentic, Government rightly asked the Competent Authority in the services to take necessary action.

19. We have heard rival submissions of the parties.

20. Present petitions pertain to a challenge to termination orders issued by the Respondents, whereby Petitioners have been removed from service and appeal filed by the Petitioner in W.P. (C) 16262/2026 has been dismissed. Petitioners participated in the 2015 Examination conducted by SSC for

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appointment to the post of Constable (GD) in CAPFs, NIA & SSF and Rifleman in Assam Rifles. Offers of appointment were issued after Petitioners cleared the selection process, whereafter the joined the respective Forces allocated. Acting on the information received from IG (Special Ops) BSF, Bengaluru that unfair means in the form of corruption had been used in the recruitment process at STC, BSF, Bengaluru, CBI registered a case and upon investigation filed charge sheet on 20.10.2019 against 167 persons including the Petitioners. CBI also recommended cancellation of appointment of 165 candidates vide letter dated 17.09.2019 to MHA and basis a communication dated 14.01.2020 from MHA, show cause notices were issued to the Petitioners and after receiving their responses, their services were terminated.

21. At the outset, we may note that a similarly placed individual had challenged his termination on almost identical grounds pertaining to the same examination and vide judgment dated 19.08.2026 in ***Shiv Kumar (supra),*** the Division Bench quashed the termination order and directed reinstatement of the Petitioner with benefit of seniority with batchmates, leaving the question of back wages open for the Petitioner to make representation. The points raised by the Petitioners before us questioning their termination are more or less the same as raised before the Division Bench in ***Shiv Kumar (supra)*** as also before us in a batch of petitions decided vide common judgment dated 29.10.2026 in ***Ex CT/GD Vikas Singh v. Union of India and Others*** in ***W.P. (C) 15507/2026.*** This fact is not disputed by the Respondents. Perusal of the judgments show that the factors that weighed with both the Benches in quashing the termination orders were that: (a) Domicile Certificates of the Petitioners therein were not

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cancelled by the State Authorities issuing the same and Respondents never approached the concerned authorities for cancellation and therefore, these certificates were till date valid, genuine and authentic and held the field and were good in the eyes of law; (b) once the competent revenue authorities, who in law, were competent to issue the Domicile Certificates, certified that the Petitioners were residing in the respective States for requisite number of years, it was not understood what was the adverse material with the Respondents to draw an inference otherwise by sitting in appeal, questioning the legality of such certificates; (c) Respondents are not the Competent Authority to decide as to whether the Domicile Certificates issued by the revenue authorities of the respective State Governments were genuine documents or not; and (d) no regular enquiry was initiated by the Respondents before imposing the harsh penalty of removal from service as also that the show cause notices were a mere farce.

22. We may note that the Division Bench in ***Shiv Kumar (supra)*** also observed that merely because the Petitioner was taking education in two particular years in a different State, that by itself would not give rise to a presumption that he lost the domicile of the State of Karnataka, since he was in the State of U.P. only for temporary purpose of education and Noida was not his place of permanent abode. This by itself, according to the Court, was not enough to draw inference that the Petitioner had furnished false information for obtaining the Domicile Certificate. The other factor which significantly weighed with the Court was that communication dated 14.01.2020 from MHA demonstrated that decision had already been taken to cancel the candidature of 165 candidates and the show cause notice was only a farce created to show that Petitioner was called upon to explain his case.

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Court also noted that the show cause notice not only lacked relevant material and the details and references to documents based on which show cause notice was issued, but was also too vague to answer and even the reply filed by the Petitioner was not considered or dealt with in the order of termination, leave alone granting a personal hearing. Most significant part of the judgment is the observation that Petitioner had joined the service after receiving an appointment order and had successfully completed the training, by virtue of which he had acquired a place in service and in such an eventuality, personal hearing ought to have been granted before taking the decision to terminate.

23. We are entirely in agreement with the Petitioners that these judgments, which pertain to similarly placed individuals, apply on all four corners to the Petitioners herein and this fact is fairly not disputed by the Respondents. It is equally undisputed that without holding regular enquiries, action has been taken by the Respondents and resultantly, no opportunity has been given to the Petitioners to lead evidence and prove their innocence, as alleged. The allegations pertain to furnishing Domicile Certificates based on allegedly fake documents and false information and it is not understood how the Respondents came to a conclusion that the documents were fake or information was false, without leading any evidence or proving the serious allegations. Petitioners are right in contending that authenticity of a document cannot be questioned or disproved by merely issuing a show cause notice and that too when in the instant cases, as noticed by the Division Bench in ***Shiv Kumar (supra),*** with which we entirely agree, the Domicile Certificates are issued by revenue authorities of the respective States and till date the certificates have not been cancelled or even questioned by the said

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authorities and significantly, even the Respondents did not take any steps to seek information from the said authorities and/or call upon them to cancel the certificates. The Domicile Certificates in question are valid as of date and therefore, we see no reason why the termination orders should not be quashed. We also agree with the Division Bench in ***Shiv Kumar (supra)*** that the decision to terminate the Petitioners was already taken before the show cause notices were issued and this is evident from the letter dated 14.01.2020, which is extracted in paragraph 41 of the said judgment and we extract the same hereunder for ease of reference:-

TRUE TYPED COPY

CONFIDENTIAL

F.NO.1.45020/32/2019/Pers.III/CF-3471551
Government of India
Ministry of Home Affairs
Police II Division/Pers.II

North Block, New Delhi,
Dated: 14th Jan, 2020

Sub- RO.11(A)/2016-BLR against Shri Chandrasekhar, Constable, STC BSF Banglore and Other – Forwarding of CBI Report- Reg.

With reference to the above subject matter, the undersigned is directed to forward herewith a copy of CBI letter no.C2/RC.11/2016/CBI/ACB/BLR/2019/3851 Dated 17.09.2019

2. The Competent Authority has approved the recommendation of the CBI to cancel the candidature of 165 candidates. (Examination for recruitment of Constable (GD) in CAPFs, Assam Rifles- 2015). The details are at Annexure I & V of the said report Extracts of these Annexure- I & V are enclosed herewith.

3. The Precaution stated in paras 2 to 5 to the forwarding letter may be kept in view for compliance.

4. CRPF may accordingly take further necessary action and intimate the same to this ministry in due course.

Sd/- 16.1.20
(S.Muthukumar)
Under Secretary
Tele No. 23092527

To,
DIG(Rectt), CRPF

Copy to
1. Supdt. Of Police(ACB), CBI, Bangaluru
2. SSC, New Delhi

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24. Therefore, the show cause notices were issued only as a farce and a smoke screen to create an impression that principles of natural justice were being complied with by calling upon the Petitioners to submit their response. We wonder how through a show cause notice an employer can establish the allegation of fake document or false information and how an employee can by simply filing a reply, without leading evidence, prove his innocence.

25. We are, however, of the view that we cannot shut the Respondents from taking action in accordance with law and to this extent, counsels for the Petitioners fairly and candidly agree.

26. For all the aforesaid reasons, impugned orders in the respective petitions cannot be sustained and are accordingly quashed and set aside. Respondents are directed to reinstate the Petitioners in service within ten weeks from today and accord seniority at par with their batchmates. As for back wages, it will be open to the Petitioners to make representations to the Respondents, which as and when received, shall be decided in accordance with law within eight weeks from the date of receipt of the representations. We leave it open to the Respondents to take action, if any, in accordance with law.

27. Writ petitions stand disposed of in the aforesaid terms.

JYOTI SINGH, J

GURVINDER PAL SINGH, J

NOVEMBER 2, 2026/*bh*

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