



2025:DHC:9076-DB



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

+ W.P.(C) 2679/2022  
SUMIT SHARMA

.....Petitioner

Through: Mr. Arvind Kumar Shukla, Ms. Neena Shukla, Ms. Surbhi Khanna, Mr. Sanskar Krishnan, Mr. Mayank Chaturvedi  
Advs.

versus

UNION OF INDIA AND ORS. ....Respondents

Through: Mr Rishabh Sahu, SPC with Mr. Sameer Sharma, Mr. Vikash Chauhan and Mr. Yogesh, Advs.  
Major Anish Muralidhar (Army)

**CORAM:**

**HON'BLE MR. JUSTICE C. HARI SHANKAR**

**HON'BLE MR. JUSTICE OM PRAKASH SHUKLA**

**JUDGMENT (ORAL)**

% **10.10.2025**

**C. HARI SHANKAR, J.**

1. The petitioner seeks to be enrolled in the Indian Army. His candidature for enrolment stands cancelled by the Directorate General of Recruiting, Integrated HQ of MoD (Army). Aggrieved thereby, the petitioner has instituted the present writ petition before this Court.

2. The petitioner submits that the Army Recruitment Rally which had to be undertaken by him for the purposes of enrolment was successfully undertaken on 20 October 2019. Thereafter, his biometric registration was carried out and he was allotted RMDS Number 6193.



2025:DHC:9076-DB



He also qualified in the physical fitness test and physical measurement test and was declared medically fit for recruitment. He was scheduled to appear, thereafter, in the Common Entrance Examination, which was to take place on 19 January 2020.

3. Mr. Arvind Kumar Shukla, learned Counsel for the petitioner submits that the Common Recruitment Examination was also undertaken by the petitioner.

4. The respondent, thereafter, cancelled the petitioner's candidature on the ground that he had submitted a domicile certificate dated 3 July 2017, issued by the Office of the Jan Seva Kendra, Khurjha, Uttar Pradesh, but that, on verification from the Office of the concerned Sub Divisional Magistrate<sup>1</sup>, they came to learn that the number pertaining to the certificate which was submitted by the petitioner actually related to a certificate issued in respect of one Smt. Nilam. As such, on the ground that the petitioner had submitted a fake and fabricated certificate, his candidature was cancelled.

5. Mr. Shukla submits that, as per the prevalent practice in the *tehsil*, the candidates used to contact the representatives of the Jan Seva Kendra, who used to submit applications for obtaining domicile certificates. He submits that the petitioner had approached the Jan Seva Kendra representative for obtaining a certificate and had submitted the certificate which he obtained from the Jan Seva Kendra representative to the respondent along with his application. He



2025:DHC:9076-DB



submits that therefore, the petitioner could not be alleged to have deliberately submitted a fabricated certificate.

6. In support of his submission, the petitioner obtained another certificate dated 11 February 2023 from the representative of the Jan Seva Kendra to the effect that the petitioner had indeed applied for obtaining a domicile certificate, certifying that he was a resident of village Madhopura. Various other documents which manifest that the petitioner is a resident of village Madhopura have also been placed on record.

7. Significantly, the petitioner, thereafter, applied and obtained a fresh domicile certificate dated 19 March 2020 bearing number 117202003745, certifying that he was a resident of village Madhopura.

8. This Court, therefore, by order dated 7 January 2025 directed the respondents to carry out a verification of the domicile certificate dated 19 March 2020 which had been produced by the petitioner.

9. Mr. Rishabh Sahu, learned SPC, submits that, on verification, the domicile certificate dated 19 March 2020 bearing number 117202003745 which certified the petitioner to be a resident of village Madhopura, was found to be genuine.

10. Nonetheless, Mr. Sahu submits that, as the petitioner had

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<sup>1</sup> "SDM" hereinafter



2025:DHC:9076-DB



initially submitted a fabricated certificate, the petitioner cannot seek equitable relief from this Court.

**11.** We have no qualms in accepting the proposition that a person who submits a fabricated certificate cannot obtain relief from the Court. However, in the present case, the issue of whether the original certificate was fabricated appears to be somewhat nebulous. The respondents are relying on a communication from the Office of the SDM certifying that the certificate was fabricated and that the certificate under the said number had been issued to one Ms. Nilam with a different address. No further enquiry appears to have been undertaken by the respondents in this regard. At the same time, we also find that the representative of the Jan Seva Kendra has clarified that the petitioner had indeed applied to him for obtaining a certificate certifying that he was a resident of village Madhopura in 2017. The petitioner has also placed on record other documents which would indicate that he is a resident of village Madhopura.

**12.** In these circumstances, we do not deem this to be a case in which we should take an unduly harsh view of the matter, or invoke the principle that submission of a fabricated certificate would disqualify the candidature of a candidate.

**13.** Taking a holistic view of the matter, and keeping in mind that the petitioner had otherwise cleared all rounds of the selection process and was disqualified only on the ground that the domicile certificate appeared to be fabricated, we are of the opinion that the petitioner is



2025:DHC:9076-DB



entitled to equitable relief from the Court.

**14.** Accordingly, the writ petition succeeds and is allowed.

**15.** The decision to cancel the candidature of the petitioner is quashed and set aside. The petitioner shall be entitled to all consequential reliefs as would be available in law.

**16.** The petition is allowed in the aforesaid terms.

**17.** We clarify that we have passed this order in the peculiar facts of this case and that the order should not be read as giving a *carte blanche* to all persons who produce fabricated certificates to obtain entry into the Indian Army.

**C. HARI SHANKAR, J.**

**OM PRAKASH SHUKLA, J.**

**OCTOBER 10, 2025/rjd**