



2025:DHC:7199-DB



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

+ W.P.(C) 12647/2022

EX SEP/DVR SANDEEP KUMARPetitioner

Through: Mr. Abhishek Ritabh Shukla,
Ms. Chahat Raghav and Ms. Sneha Agarwal,
Adv.

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Raghvendra Shukla, SPC
with Mr. Anil Devlal, GP.

Mr. Vinod Sawant Law Officer, CRPF,
INSP Athurv, CRPF and Mr. Ramniwas
Yadav, CRPF.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

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20.08.2025

OM PRAKASH SHUKLA, J.

1. By way of present petition filed under Articles under 226 and 227 of the Constitution of India, the petitioner has sought for the following reliefs-

“A) Issue an appropriate writ, order or directions including the Writ of certiorari calling for the entire record based on which the petitioner has been ordered to be removed from service vide impugned order dated 27.09.2016 and upheld by in Respondent no.3 vide impugned order dated 04.05.2017 and thereafter, quash such orders including the impugned letter dated 27.09.2016 passed by Respondent no 4 and upheld by 04.05.2017 passed by Respondent no 3; and



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B) to direct the Respondents to reinstate the petitioner back in service with all consequential benefits from 26.09.2016 till the time when petitioner is reinstated back in service; and

C) Pass such other and further Order(s) as may deem fit in the facts and circumstances of the present case.”

2. The facts leading to present petition is that petitioner was recruited in the post of ‘Constable/Driver’ on 18.01.2011 in Central Reserve Police Force (hereinafter referred to as ‘CRPF’). At the time of recruitment, he submitted Driving License no. 1456/MTR/07 dated 20.10.2007, which was issued by the DTO, Licensing Authority M.V. Dept. Mathura (U.P.). Thereafter, on 26.02.2016, the Group Centre, CRPF, Ajmer, verified the driving licence of petitioner by sending the letter No. E, Five – 1/2016 – SPol.-180/2 to the concerned authority and in reference of above the office of Assistant Departmental Transport Officer (Administration) vide its Letter No. 17/License Verification/2016 dated 24.04.2016 gave the remarks that the same has not been issued in the name of petitioner. Based on this information, the Deputy Inspector General of Police, Group Centre-II, CRPF, Ajmer directed disciplinary action against the petitioner vide letter No. E-Five-1/2016- SPol. 180/2 dated 15.04.2016.

3. Departmental enquiry was initiated against the petitioner under Office Memo No. P-8-2/2016-180-Two, of commandant, 180th Battalion under the provisions of Rule 27 of Central Reserve Police Forces Rules, 1955 read with Section 11(1) of the Central Reserve Police Force Act, 1949. By order dated 04.07.2016, Mr. Sanjay



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Kumar, Deputy Commandant, was appointed as the Inquiry Officer and the petitioner was informed of the appointment of the Inquiry Officer but he chose to not furnish any reply. He was given another opportunity to engage a Defence Assistant, which he expressly declined.

4. Apparently, on 05.07.2016, the Inquiry Officer recorded his plea of not guilty and subsequently, the Inquiry Officer recorded the statements of all prosecution witnesses. The petitioner was provided full opportunity to defend himself and to cross-examine the witnesses. He was also supplied with copies of the statements/evidences and documents, relied upon by the department and was granted 21 days to adduce evidence in his defence. The petitioner declined to produce any witness or evidence in his defence. The statement of accused was recorded on 11.08.2016 where he denied the allegation and stated that he had got issued the subject driving license through an agent and also renewed the same from DTO Office.

5. The enquiry came to be concluded and the report was submitted on 22.08.2016 which observed that the driving license at the time of recruitment was forged/wrong and petitioner is guilty for not presenting his correct driving license and has committed offense under the provisions of CRPF Rules, 1955 read with Section 11(1) of the CRPF Act, 1949. The report also observed that petitioner did not adduce any evidence which would show that he renewed the license from DTO.

6. In view of these findings, the petitioner was removed from



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service by order dated 27.09.2016 of the Commandant, 180 Battalion, CRPF under Rule 27 of Central Civil Services (CCS) Rules, 1965 read with section 11(1) of the CRPF Act, 1949.

7. As per the Rules, the petitioner appealed against this order which was rejected by the Deputy Inspector General of Police, Range Ajmer, vide order dated 04.05.2017, on the ground that removal was an appropriate action under Rule 27 of the CRPF Rules, 1955, and that the petitioner failed to produce any material facts or evidence to support his case. Aggrieved by the same, the petitioner has filed the present writ petition.

8. The notice in the present matter was issued vide order dated 01.09.2022 by this Court and both the parties were directed to file written submission and the matter was listed for final hearing vide order dated 24.03.2023.

9. Learned Counsel for the petitioner submits that the petitioner has obtained the license through an agent as the transport department in Mathura was neither digitalized nor fully regularized, and any potential applicant for driving license generally had to approach agents who facilitated the process of issuance of license from the transport department in Mathura.

10. The learned Counsel for petitioner submits that he was unaware that his driving license was fake, and his services could not be dispensed without appreciating the said fact.



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11. Learned Counsel for the petitioner submitted that the petitioner had served in the Force for over six years with an untainted record and his removal from service on the ground of an alleged forged driving licence discovered after such a long period of time is arbitrary and unjustified.

12. It has been further submitted by the learned Counsel for the petitioner through his written submission, that as per Rule 14 of the CRPF rules, the verification process should have been completed as soon as possible at the stage of recruitment itself and not at a belated stage after a lapse of 6 years, as has been done by the authority in the present case. According to him, by doing this the authorities have acquiesced to the factum of possessing of bogus Driving License by the petitioner. Further it was submitted that the petitioner was under the *bona fide* belief for 6 long years that he was in possession of the correct license. Moreover, the respondent has found that the service of the petitioner was unblemished and untainted during these all 6 years. The petitioner relied on the judgement of *M/s Sandhya Bhardwaj v Govt of NCT^d* and *B.L. Sreedhar and Ors. Vs K.M. Munireddy (dead) and Ors²*.

13. Learned SPC for the respondents through his written submissions submitted that the driving license is not issued in the name of petitioner and therefore disciplinary action was taken against him. Further, it is submitted that there is no document on record to show that the license is genuine and petitioner has himself admitted

¹ WP(C) No. 8747/2005

² AIR 2003 SC 578



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that the license was not obtained through proper procedure. The learned SPC laid reliance on *Vishwanatha Pillai v State of Kerala & Ors.*³, *Indian oil corporation Ltd. v Rajendra D. Harmalkar*⁴ and *Sandeep Kumar v Union of India & Ors*⁵.

14. On the strength of the above submissions, learned SPC contends that the appointment of the petitioner was *void ab initio*, having been secured on the basis of a forged document, and therefore no relief can be granted by this Court.

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

16. As per records, the driving license was sent for verification and same was found to be not issued to the petitioner and the license submitted by the petitioner was found to be forged.

17. In view of the above, it is clear that the very recruitment and subsequent appointment of the petitioner is tainted with forgery and his entering the services is questionable and not in compliance with the established eligibility requirements. The feeble defence sought to be put forth by the petitioner that he was unaware about his driving license being fake/forged is being noted to be only rejected by this court. The petitioner is not entitled to any benefits from an appointment that would not have been granted to him had the fact about forged driving license been known at the time of his

³ Civil appeal No.89 of 2004

⁴ 2022 SCC OnLine SC 486

⁵ 2015 OnLine P&H 8446



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appointment. A forged or fake driving license is 'no license' in the eyes of law. The petitioner would not had been appointed at all to the post of 'Constable/Driver', if he would not have had 'no license' at the time of his appointment, which is the basic fundamental eligibility criteria for appointing any driver.

18. The issue in this matter is not about the intention of petitioner to cheat but the validity of the driving license. The petitioner's contention that he was unaware about license being fake/forged cannot liberate him from the consequence, which fall from using a forged driving license. Since his driving license is not valid in the eyes of law, his appointment cannot be sustained and no relief can be granted on the ground that he has rendered an exceptional service or he is an exceptional driver. To take an opposite view, would lead to perpetuating the appointment that was already *void ab initio*.

19. Therefore this Court is not inclined to interfere with the order dated 20.08.2016 passed by the office of the Commandant-180 Battalion, CRPF and the order dated 04.05.2017 passed by the Deputy Inspector General, CRPF, Ajmer range.

20. Accordingly, the present petition is dismissed. No order as to costs.

OM PRAKASH SHUKLA, J

C.HARI SHANKAR, J

AUGUST 20, 2025/gunn