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

Date of decision: 18.09.2025

+ **W.P.(C) 951/2017**

UNION OF INDIA & ANR

.....Petitioners

Through: Mr. Ruchir Mishra, Mr. Sanjiv
Kr. Saxena, Mr. Mukesh Kr.
Tiwari, Ms. Poonam Shukla,
Ms. Reba Jena Mishra, Advs.

versus

VIJAY KUMAR

.....Respondent

Through: Counsel(Appearence not given)

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed, challenging the Order dated 18.03.2013 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A. No. 1816/2012, titled *Vijay Kumar v. Union of India & Anr.*, allowing the O.A. filed by the respondent herein and consequently setting aside the Memorandum dated 01.11.2009 issuing the Articles of Charge to the respondent; the Inquiry Officer's Report dated 17.06.2009; the Disciplinary Authority's Order dated 10.11.2009, dismissing the respondent from service; the Appellate Authority's Order dated 28.07.2010; and the Order dated 14.07.2011 by which the Review Petition filed by the respondent was dismissed.



2. The petitioners further challenge the Order dated 28.04.2016 passed by the learned Tribunal, dismissing the Review Application, being RA No 131/2013, filed in the above OA.
3. To give a brief background of the facts in which the present petition arises, the respondent had obtained appointment to the post of Packer (Group D) with effect from 01.04.1981 with the ASPO, New Delhi, on the basis of a purported Scheduled Tribes community certificate dated 26.08.1978, issued by the District Magistrate, Saran, Bihar, claiming to belong to the 'Kharia' community. The respondent was then promoted to the post of Postman with effect from 29.09.1990, against a reserved vacancy for the ST community.
4. Thereafter, the petitioners received a letter dated 22.12.2005 issued by the District Magistrate, Saran, Bihar, stating that the Caste Certificate produced by the respondent for gaining employment had not been issued by the District Welfare Office, Saran. A report from the Superintendent of Police, CBOM Special Crime, New Delhi, and one from the CBI were also received by the petitioners to the same effect, *vide* letters dated 03.05.2006 and 30.06.2006.
5. The petitioners claim that an attempt was made to have the ST certificate of the respondent verified from the issuing authority, and as it was reported that the said certificate was not issued by the said Authority, a Charge Memorandum dated 01.11.2007 was issued to the respondent.
6. As he denied the charges, a disciplinary inquiry was held, and the Inquiry Officer, by the Report dated 17.06.2009, held the charge to be proved against the respondent. The Inquiry Officer's Report was



considered by the Disciplinary Authority, which, *vide* Order dated 10.11.2009, visited the respondent with a penalty of dismissal from service. The appeal filed by the respondent, and thereafter the Revision Petition filed by the respondent, were also dismissed by the Appellate and Revisional Authorities, *vide* Orders dated 28.07.2010 and 14.07.2011, respectively.

7. The respondent had filed the above O.A. before the learned Tribunal, raising various grounds for challenging the disciplinary inquiry proceedings. The learned Tribunal, however, by its Impugned Order, set aside the entire inquiry proceedings only on the ground that the petitioner could not have carried out the inquiry under Rule 14 of the CCS (CCA) Rules. The learned Tribunal opined that in terms of the judgement of the Supreme Court, in ***Madhuri Patil v. Commr., Tribal Development***, (1994) 6 SCC 241, such an inquiry can be conducted only by the Scrutiny Committee constituted under the said judgement by the respective States. We quote from the Impugned Order as under:

*12. Now the question whether the caste certificate submitted by a person to secure a job in Government service is "fake" or not can be determined under the procedure prescribed under Rule 14 of the CCS (CCA) Rules, 1965 or not. In view of the judgment of the Apex Court in **Kumari Madhuri Patil's case** (supra), in our considered opinion the aforesaid procedure cannot be resorted to. In the said case, the Apex Court "found that spurious tribes and persons not belonging to scheduled tribes were snatching away the reservation benefits given to genuine tribals, by claiming to belong to scheduled tribes". The Court "found that the admission wrongly*



gained or appointment wrongly obtained on the basis of false caste certificates had the effect of depriving the genuine scheduled castes or scheduled tribes of the benefits conferred on them by the Constitution". It also found that "genuine candidates were denied admission to educational institutions or appointments to posts under the State, for want of social status certificate; and that ineligible or spurious candidates who falsely gained entry resorted to dilatory tactics and created hurdles in completion of the inquiries by the Scrutiny Committee, regarding their caste status". To streamline the procedure for the issuance of caste (social status) certificates, their scrutiny and approval, the Apex Court issued the fifteen directions. One of them relates to the setting up of a "State Scrutiny Committee and it is as under: -

"4. All the State Governments shall constitute a Committee of three officers, namely, (I) an Additional or Joint Secretary or any officer higher in rank of the Director of the concerned department, (II) the Director, Social Welfare/Tribal Welfare/Backward Class. Welfare, as the case may, and (III) in the case of Scheduled Castes another officer who has intimate knowledge in the verification and issuance of the social status certificates. In the case, of Scheduled Tribes, the Research Officer who has intimated knowledge in identifying the tribes, tribal communities, parts of or groups of tribes or tribal communities"

8. The learned counsel for the petitioners submits that the learned Tribunal has failed to appreciate that the guidelines issued by the Supreme Court in ***Madhuri Patil*** (supra) do not preclude the employer from holding an inquiry in accordance with its disciplinary rules. The



said guidelines are applicable only at the stage of appointment or admission.

9. He further submits that, in any case, the petitioner had joined the service in 1981 and was promoted in 1990 against a reserved vacancy, based on the certificate produced by him. He submits that the same in the inquiry had been found to be not genuine and, therefore, the petitioners had proceeded against the respondent.

10. On the other hand, the learned counsel for the respondent submits that in the inquiry proceedings, the authority which issued the caste certificate was not examined. He further submits that the caste certificate has also not been cancelled. He raises various other issues and submissions in challenge to the inquiry proceedings.

11. We have examined these submissions made by the learned counsels for the parties.

12. In *Madhuri Patil* (supra), the Supreme Court has laid down the guidelines to streamline the procedure for issuance of social status certificates, their scrutiny, and their approval, and challenge thereto. We quote the procedure laid down, as under:

13. The admission wrongly gained or appointment wrongly obtained on the basis of false social status certificate necessarily has the effect of depriving the genuine Scheduled Castes or Scheduled Tribes or OBC candidates as enjoined in the Constitution of the benefits conferred on them by the Constitution. The genuine candidates are also denied admission to educational institutions or appointments to office or posts under a State for want of social status certificate. The ineligible or spurious persons who falsely gained entry resort to dilatory tactics and



create hurdles in completion of the inquiries by the Scrutiny Committee. It is true that the applications for admission to educational institutions are generally made by a parent, since on that date many a time the student may be a minor. It is the parent or the guardian who may play fraud claiming false status certificate. It is, therefore, necessary that the certificates issued are scrutinised at the earliest and with utmost expedition and promptitude. For that purpose, it is necessary to streamline the procedure for the issuance of social status certificates, their scrutiny and their approval, which may be the following:

- 1. The application for grant of social status certificate shall be made to the Revenue Sub-Divisional Officer and Deputy Collector or Deputy Commissioner and the certificate shall be issued by such officer rather than at the Officer, Taluk or Mandal level.*
- 2. The parent, guardian or the candidate, as the case may be, shall file an affidavit duly sworn and attested by a competent gazetted officer or non-gazetted officer with particulars of castes and sub-castes, tribe, tribal community, parts or groups of tribes or tribal communities, the place from which he originally hails from and other particulars as may be prescribed by the Directorate concerned.*
- 3. Application for verification of the caste certificate by the Scrutiny Committee shall be filed at least six months in advance before seeking admission into educational institution or an appointment to a post.*
- 4. All the State Governments shall constitute a Committee of three officers, namely, (I) an Additional or Joint Secretary or any officer high-er in rank of the Director of the department concerned, (II) the Director, Social Welfare/Tribal Welfare/Backward Class Welfare, as the case may be, and (III) in the case of Scheduled Castes another officer who has intimate knowledge in the verification*



and issuance of the social status certificates. In the case of the Scheduled Tribes, the Research Officer who has intimate knowledge in identifying the tribes, tribal communities, parts of or groups of tribes or tribal communities.

5. Each Directorate should constitute a vigilance cell consisting of Senior Deputy Superintendent of Police in over-all charge and such number of Police Inspectors to investigate into the social status claims. The Inspector would go to the local place of residence and original place from which the candidate hails and usually resides or in case of migration to the town or city, the place from which he originally hailed from. The vigilance officer should personally verify and collect all the facts of the social status claimed by the candidate or the parent or guardian, as the case may be. He should also examine the school records, birth registration, if any. He should also examine the parent, guardian or the candidate in relation to their caste etc. or such other persons who have knowledge of the social status of the candidate and then submit a report to the Directorate together with all particulars as envisaged in the pro forma, in particular, of the Scheduled Tribes relating to their peculiar anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies, method of burial of dead bodies etc. by the castes or tribes or tribal communities concerned etc.

6. The Director concerned, on receipt of the report from the vigilance officer if he found the claim for social status to be “not genuine” or ‘doubtful’ or spurious or falsely or wrongly claimed, the Director concerned should issue show-cause notice supplying a copy of the report of the vigilance officer to the candidate by a registered post with acknowledgement due or through the head of the educational institution concerned in which the candidate is studying or employed. The notice should indicate that the representation or reply, if



any, would be made within two weeks from the date of the receipt of the notice and in no case on request not more than 30 days from the date of the receipt of the notice. In case, the candidate seeks for an opportunity of hearing and claims an inquiry to be made in that behalf, the Director on receipt of such representation/reply shall convene the committee and the Joint/Additional Secretary as Chairperson who shall give reasonable opportunity to the candidate/parent/guardian to adduce all evidence in support of their claim. A public notice by beat of drum or any other convenient mode may be published in the village or locality and if any person or association opposes such a claim, an opportunity to adduce evidence may be given to him/it. After giving such opportunity either in person or through counsel, the Committee may make such inquiry as it deems expedient and consider the claims vis-à-vis the objections raised by the candidate or opponent and pass an appropriate order with brief reasons in support thereof.

7. In case the report is in favour of the candidate and found to be genuine and true, no further action need be taken except where the report or the particulars given are procured or found to be false or fraudulently obtained and in the latter event the same procedure as is envisaged in para 6 be followed.

8. Notice contemplated in para 6 should be issued to the parents/guardian also in case candidate is minor to appear before the Committee with all evidence in his or their support of the claim for the social status certificates.

9. The inquiry should be completed as expeditiously as possible preferably by day-to-day proceedings within such period not exceeding two months. If after inquiry, the Caste Scrutiny Committee finds the claim to be false or spurious, they should pass an order



cancelling the certificate issued and confiscate the same. It should communicate within one month from the date of the conclusion of the proceedings the result of enquiry to the parent/guardian and the applicant.

10. In case of any delay in finalising the proceedings, and in the meanwhile the last date for admission into an educational institution or appointment to an officer post, is getting expired, the candidate be admitted by the Principal or such other authority competent in that behalf or appointed on the basis of the social status certificate already issued or an affidavit duly sworn by the parent/guardian/candidate before the competent officer or non-official and such admission or appointment should be only provisional, subject to the result of the inquiry by the Scrutiny Committee.

11. The order passed by the Committee shall be final and conclusive only subject to the proceedings under Article 226 of the Constitution.

12. No suit or other proceedings before any other authority should lie.

13. The High Court would dispose of these cases as expeditiously as possible within a period of three months. In case, as per its procedure, the writ petition/miscellaneous petition/matter is disposed of by a Single Judge, then no further appeal would lie against that order to the Division Bench but subject to special leave under Article 136.

14. In case, the certificate obtained or social status claimed is found to be false, the parent/guardian/the candidate should be prosecuted for making false claim. If the prosecution ends in a conviction and sentence of the accused, it could be regarded as an offence involving moral turpitude, disqualification for elective posts or offices under the State or the Union or elections to any local body, legislature or Parliament.



15. As soon as the finding is recorded by the Scrutiny Committee holding that the certificate obtained was false, on its cancellation and confiscation simultaneously, it should be communicated to the educational institution concerned or the appointing authority by registered post with acknowledgement due with a request to cancel the admission or the appointment. The Principal etc. of the educational institution responsible for making the admission or the appointing authority, should cancel the admission/appointment without any further notice to the candidate and debar the candidate from further study or continue in office in a post.

13. The above procedure, however, in our opinion, does not debar the employer from holding an inquiry in accordance with its disciplinary rules, if it finds that the employee has obtained employment based on a forged or fake caste certificate. The proceedings taken by the petitioner against the respondent, therefore, cannot be said to be without the authority of the law.

14. As far as the other grounds of challenge of the respondent to the inquiry proceedings and the punishment imposed are concerned, as the learned Tribunal has not gone into those issues in the Impugned Order, therefore, we shall also restrain ourselves from making any findings on the same.

15. In view of the above, the Impugned Order dated 18.03.2013 is hereby set aside. The O.A. is restored back to its original number before the learned Tribunal. The parties shall appear before the learned Tribunal on 14th October, 2025.

16. The learned Tribunal is requested to expedite the hearing of the O.A. and decide the same preferably within a period of three months



2025:DHC:8513-DB



from its first listing.

17. We again clarify that all the contentions and submissions of the respondent challenging the inquiry proceedings and the punishment imposed are left open to be adjudicated before the learned Tribunal.

18. The petition is disposed of in above terms.

NAVIN CHAWLA, J

MADHU JAIN, J

SEPTEMBER 18, 2025/prg/RM/SJ