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

*Date of decision: 26.08.2025*

+ W.P.(C) 9212/2023

EX- CONSTABLE SUNIL KUMAR .....Petitioner

Through: Mr. Ajay Verma and Ms. Smriti  
S Nair, Advs.

versus

UNION OF INDIA AND ORS. ....Respondents

Through: Mr. Hemant Kumar Yadav,  
SPC, Mr. Vivek Nagar, GP for  
UOI along with Mr. V.S.  
Rawat, AC/CISF.

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**HON'BLE MS. JUSTICE MADHU JAIN**

**NAVIN CHAWLA, J. (ORAL)**

1. This petition has been filed by the petitioner, challenging the Order dated 30.05.2023 passed by the respondent no. 3, whereby the petitioner's representation against the Termination Order dated 01.02.2023 passed by the respondent no. 4 was rejected. The petitioner further prays for reinstatement in the service.

2. The facts giving rise to the present petition are that, pursuant to the notification/advertisement dated 19.02.2018 issued by the Central Industrial Security Force (CISF) for recruitment to the post of Constable/Driver, the petitioner had applied for the said post.

3. Having successfully completed the selection process, he was required to fill up an Attestation Form, wherein he disclosed that he had been named as an accused in FIR No. 294/2009, registered on



06.11.2009 at Police Station Bhuhana, District Jhunjhunu, under Sections 448 and 323 of the Indian Penal Code 1860 (IPC), and that, on the basis of a compromise deed, he had been acquitted of the said charges *vide* Order dated 01.04.2011 passed by the learned Judicial Magistrate First Class, Khetri, District Jhunjhunu.

4. The matter was thereafter referred by the respondent to the Screening Committee for a decision.

5. Complaining of inaction, the petitioner approached this Court by way of a Writ Petition, being W.P.(C) 1086/2020, which was disposed of by this Court *vide* Order dated 29.01.2020, on a statement made by the learned counsel for the respondents that the Screening Committee was already seized of the representation of the petitioner and that the decision thereon would be communicated to the petitioner on or before 15.03.2020.

6. The case of the petitioner was thereafter considered by the 19<sup>th</sup> Standing Screening Committee, and the petitioner was declared 'Suitable for Employment' in the CISF, *vide* letter No. E-32024(6)/Court Case/01/2020/Rectt./1104 dated 13.03.2020.

7. Thereafter, the petitioner reported to the DIG/Principal, CISF RTC Bhilai, for basic training on 07.08.2020, and submitted a fresh Attestation Form, wherein he again disclosed only the aforementioned FIR but failed to disclose that he had been convicted in Case No. 50/2017 dated 20.04.2017 under Section 13 of the Rajasthan Public Gambling Ordinance, 1949, and sentenced to pay a fine of Rs.100/-, with a default stipulation of one day's simple imprisonment in case of non-payment, as per the Order dated 27.04.2017 passed by the learned



Judicial Magistrate, Bhuhana.

8. After the petitioner had joined service, a Character and Antecedents Verification Report dated 13.08.2021, issued by the Office of the District Magistrate, Jhunjhunu, was received by the respondent, which disclosed the fact of the above conviction.

9. Based on this information, in the 24<sup>th</sup> Sitting of the 19<sup>th</sup> Standing Screening Committee held on 03.11.2022, the petitioner was declared 'Unsuitable for Employment' in the CISF, relying upon Annexure-A of the Policy Guidelines issued by the MHA *vide* a Circular No. UO No. 1-45020/6/2010-Pers.II dated 01.02.2012, as modified by the MHA Corrigendum No. 1-45020/6/2010-pers-II/218 dated 16.07.2021, wherein it was specifically stipulated that any person convicted under Section 13 of the Gambling Act shall not be considered for recruitment.

10. The learned counsel for the petitioner submits that the petitioner was convicted of a minor offence and visited with a minor punishment of a fine of Rs. 100/- only, with a default stipulation of one day's imprisonment. He submits that there was no reason for the petitioner not to disclose the same in his Attestation Form. He further submits that this information had, in fact, already been disclosed by the petitioner in the earlier Writ Petition, that is W.P.(C) 1086/2020, filed by him before this Court. He submits that, therefore, the petitioner cannot be accused of concealing the aforesaid information, nor can the order of conviction be used against him for terminating his services. He further submits that the petitioner had discharged his duties for over two years with full dedication and honesty.



11. On the other hand, the learned counsel for the respondent submits that neither in the first Attestation Form nor in the Attestation Form submitted after the 19th Standing Screening Committee, did the petitioner disclose his conviction under the Rajasthan Public Gambling Ordinance. He submits that the petitioner was fully aware that the same constituted a complete bar to his employment with the CISF. He submits that the fact of conviction came to the notice of the respondents only through the Character and Antecedents Verification Report issued by the District Magistrate, and therefore, the petitioner cannot claim any benefit on account of the services rendered by him.

12. We have considered the submissions made by the learned counsels for the parties.

13. The Policy Circular dated 01.02.2012, in Annexure-A thereof, states that any person who has been found involved in or arrested in connection with an offence mentioned therein, including under Section 13 of the Gambling Act, which is stated to be *pari materia* to the provisions of the Rajasthan Public Gambling Ordinance, 1949, shall not be considered for recruitment. The petitioner did not disclose his conviction for the said offence, either in the initial Attestation Form nor in the Attestation Form submitted by him subsequent to being declared suitable for employment by the 19<sup>th</sup> Standing Screening Committee.

14. The fact that he disclosed this conviction in a Writ Petition filed before this Court, which was not before the Screening Committee, cannot absolve him from the obligation of making a complete disclosure in at least the Attestation Form submitted by him thereafter.



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It appears that the petitioner, being fully aware that this conviction would debar him from employment, intentionally sought to conceal this fact from the respondents.

15. We, therefore, find no infirmity in the orders passed by the respondents. The writ petition is, accordingly, dismissed.

**NAVIN CHAWLA, J**

**MADHU JAIN, J**

**AUGUST 26, 2025/ys/GB/DG**