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

+ W.P.(C) 9296/2021, CM APPL. 12856/2022, CM APPL. 40982/2022,
CM APPL. 1916/2023 & CM APPL. 76156/2025

JITIN

.....Petitioner

Through: Ms. Meera Kaura Patel, Ms. Ritika
Saini and Ms. Payal Pandey,
Advocates.

versus

THE STATE(NCT) OF DELHI & ORS.

.....Respondents

Through: Ms. Pratima N. Lakra, CGSC with
Ms. Kiran Dharam, Mr. Shailendra
Kumar Mishra and Ms. Upanita
Suryadarshini, Advocates for R-2 to
R-5.

Mr. Tarun Johri and Mr. Vishwajeet
Tyagi, Advocates for R-6/ NMRC.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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25.03.2026

1. This writ petition assails order dated 23rd April, 2021, whereby the services of the Petitioner with Respondent No. 6/Noida Metro Rail Corporation¹ were terminated on the ground that his nationality was found to be Nepalese. The Petitioner also seeks a direction to the Respondents to reconsider his claim of being an Indian citizen, instead of treating him as a Nepalese national.

Factual Background

2.1. In the year 2016, NMRC issued an advertisement inviting applications

¹ "NMRC"



from persons of Indian nationality for various posts in the non-executive category. The Petitioner applied for the post of Station Controller/Train Operator. In the attestation form submitted by him, the Petitioner disclosed his nationality as “Indian”, his place of birth as “Delhi North”, and the place of birth of his parents as “Nepal”.

2.2. The Petitioner was thereafter issued an appointment letter dated 28th February, 2018 for the aforesaid post. Clause 15 of the said letter stipulated that in the event any declaration or information furnished by the Petitioner was found to be false, or if any material information was wilfully suppressed, he would be liable to be removed from service without prior notice and without assigning any reason, notwithstanding any action taken against him as the NMRC deems necessary.

2.3. Subsequently, upon verification of his credentials, it emerged that the Petitioner’s nationality was “Nepalese”. In view thereof, the Respondents issued the impugned communication dated 23rd April, 2021, terminating the services of the Petitioner on the ground of wilful suppression/misdeclaration of material information furnished at the time of appointment.

Submissions of Parties

3. Counsel for the Petitioner submits that the subject advertisement merely required candidates to be of Indian nationality and did not expressly mandate Indian citizenship as an eligibility condition. It is contended that the terms “citizenship” and “nationality” are not synonymous and must be construed distinctly. On this basis, it is urged that the Petitioner’s claim of being an Indian citizen warrants independent consideration on the footing that he satisfies the requirements of Indian citizenship. Reliance is placed on Article 5 of the Constitution of India as well as Sections 3 and 4 of the



Citizenship Act, 1955. It is further submitted that the Petitioner's father and grandfather had been residing in India for several decades and were also engaged in government service since the year 1943. These circumstances, it is argued, substantiate the Petitioner's claim to Indian citizenship. It is thus prayed that the impugned action be set aside.

4. On the other hand, Ms. Pratima Lakra, CGSC for Union of India, disputes the Petitioner's claim. She contends that the Petitioner's grandfather did not satisfy the statutory requirement of residence, as he was absent from India for a period of approximately three and a half years, whereas continuous residence for five years is mandated under Article 5. It is thus urged that the Petitioner's case fails on his own showing.

Analysis and Findings

5. The Court has considered the aforementioned contentions. The submissions advanced on behalf of the parties indicate that the controversy, at this stage, essentially turns upon the question of the Petitioner's nationality and/or citizenship. However, in the opinion of this Court, such an enquiry cannot appropriately form the subject matter of the present proceedings. Judicial review in the present case is primarily directed against the impugned decision terminating the Petitioner's services with NMRC. The validity of the said action is to be tested on the anvil of arbitrariness, unreasonableness, or perversity so as to warrant interference in the exercise of writ jurisdiction.

6. On this issue, it is pertinent to note that the subject advertisement expressly provided, *inter alia*, as follows:

“Noida Metro Rail Corporation Ltd.(NMRC), a company, registered under Companies Act, 2013, a SPV (Special Vehicle Purpose) formed for Implementation & operation of mass rapid & other urban transport



systems of all kinds including Noida Greater Noida metro rail corridor invites applications from young, dynamic and motivated persons of Indian nationality for the following category of Non-Executive posts in NMRC”

7. A plain reading of the above indicates that eligibility was confined to persons of “Indian nationality”. It is also apposite to note that Clause 15 of the Petitioner’s appointment letter expressly stipulated that in the event any declaration or information furnished by him was found to be false, or if any material information was wilfully suppressed, his services would be liable to be terminated.

8. In light of the aforesaid stipulations, as well as the declarations furnished by the Petitioner at the time of appointment, NMRC undertook multiple rounds of verification of the Petitioner’s antecedents and credentials. Based on the reports received from the Delhi Police, NMRC proceeded to pass the impugned order dated 23rd April, 2021, which records as follows:

“Sub: Termination of Services with NMRC - willful suppression/mis-declaration of information submitted to NMRC on joining

Ref: (i) Show Cause Notice No. NMRC/HR/1199/2020/8462 dated 19.10.2020

(ii) Delhi Police letter/CVR No. 2019080173 dated 30.12.2019

(iii) Delhi Police letter/CVR No. 2020018962 dated 24.2.2020

(iv) Delhi Police letter/CVR No. 2020037283 dated 04.08.2020

(v) ACP/PIC letter No. 747/CV-1/CVR/Special Branch, dated 6.4.2021

Whereas Noida Metro Rail Corporation had invited applications from young, dynamic and motivated persons of Indian Nationality for the various category posts of Non-executive rank in NMRC”. Whereas, Shri Jitin has applied for the post of SC/TO and was selected for the same.

Whereas his credential were sent to District Magistrate for character verification as referred above and whereas the same were rejected by the concerned authority stating that “Not recommended due to the applicant is not residing at the given address as per local enquiry” and in subsequent letters showing his Nationality as Nepali.

Whereas on rejection of Credential Verification by Delhi Police, Shri Jitin



was called to explain his conduct vide letter dated 15.7.2020. As per submission made by Shri Jitin in response to letter dated 15.7.2020, his credentials were again sent for verification to the Delhi Police. In reply to which, his credential verification was again rejected by Delhi Police and his nationality has been confirmed as NEPALESE (Nepali).

Whereas again on principle of natural justice, a Show Cause Notice dated 19.10.2020 was issued to Shri Jitin on receipt of Character Verification Report from Delhi Police and his explanation/clarification was sought in the matter. In response to the Show Cause Notice dated 19.10.2020, Shri Jitin submitted that his nationality is Indian and he enclosed copy of Aadhar Card, PAN Card and Indian Passport in support of his claim.

And Whereas, his representation was considered and since he has made allegations against Delhi Police, the same was forwarded to the Office of Delhi Police Commissioner for final remarks in the matter.

And Whereas, in reply to NMRC's letter, Delhi Police, Vide ACP/PIC letter No. 747/CV-1/CVR/Special Branch, dated 6.4.2021, has re-concluded that as per Section-3 of Citizenship Act, 1955, nationality of Shri Jitin is not Indian, instead he will remain citizen of Nepal as disclosed in CVR.

And Whereas it is found that Shri Jitin has suppressed material information, gave false declaration regarding his nationality while applying for NMRC SC/TO post notified vide vacancy notification no. NMRC/OM/HR/2016, in which applications were invited from Indian Nationals only.

And Whereas, as per Point No. 3 of Attestation Form submitted by Shri Jitin at the time of joining also, in which it is stated that "If the fact that false information has been furnished or that there has been suppression of any factual information in the attestation for comes to the notice at any time during the service of a person, his services would be liable to terminated."

And Whereas at the time of joining NMRC Shri Jain has filled up several other forms declaring his nationality as "INDIAN" and provided wrong information every time.

And Whereas as per Para 5 of NMRC Office Order No. NMRC/ED/2018/1607 dated 5.3.2018, whereby Shri Jitin was appointed and placed under training, clearly stating that an employee's services will stand terminated in case there is any adverse report against him from the police authorities on their character and antecedents, till then their appointment will be on provisional basis only.

Accordingly, on receipt of final remarks of Delhi Police vide ACP/PIC letter No. 747/CV-1/CVR/Special Branch, dated 6.4.2021, the matter was put up to the Competent Authority and as per directions of the Competent Authority, services of Shri Jitin is being terminated with immediate effect.

This issues with the approval of the Competent Authority"



9. A perusal of the aforesaid order demonstrates that the decision of NMRC is founded upon repeated and consistent findings returned in the course of police verification. It is pertinent to note that the Petitioner's credentials were subjected to verification by State authorities on three separate occasions, and on each occasion, the conclusion remained unchanged, namely, that his nationality was not Indian. The final verification was undertaken after affording the Petitioner full opportunity to contest the earlier findings, including by way of representations addressed before the office of the Commissioner of Police, Delhi. The NMRC, upon consideration of the final report, proceeded on the basis that, in terms of Section 3 of the Citizenship Act, 1955, the Petitioner could not be treated as an Indian citizen and would be regarded as a citizen of Nepal, as reflected in the Character Verification Report.

10. In view of the foregoing, this Court finds no manifest arbitrariness or perversity in the decision-making process adopted by NMRC, and consequently, no ground is made out to warrant interference with the impugned order.

11. As regards the second prayer, seeking a direction to the Respondents to reconsider the Petitioner's claim of citizenship, it is pertinent to note that one of the principal documents relied upon by the Petitioner to substantiate his claim of Indian nationality is a passport issued by the Indian Passport Office. However, concededly, that passport has since been revoked. The Petitioner's challenge to the said revocation [W.P.(C) 14440/2024] was disposed of by order dated 3rd December, 2025, granting him liberty to avail of the statutory appellate remedy. It is stated that the Petitioner is presently in the process of pursuing the said remedy.



12. The outcome of the said proceedings would have a direct bearing on the Petitioner's claim to citizenship/nationality, the same being inextricably linked with the challenge to the revocation of his passport. In such circumstances, although Union of India as well as the Delhi Police have placed on record detailed status reports disputing the Petitioner's claim to Indian citizenship, this Court is of the opinion that, in light of the pendency of the aforesaid proceedings, any determination of the Petitioner's nationality/citizenship at this stage may give rise to parallel adjudication and the possibility of conflicting conclusions. Therefore, in order to obviate multiplicity of proceedings, this Court refrains from examining the Petitioner's claim to Indian nationality/citizenship in the present writ petition.

13. Accordingly, without expressing any opinion on the issue of the Petitioner's nationality/citizenship, this petition is disposed of. The Petitioner shall be at liberty to avail of appropriate remedies, in accordance with law, for the purpose of establishing his nationality and/or citizenship.

14. It is also clarified that this Court has not expressed any opinion on the correctness of the reports furnished by the Delhi Police, and the Petitioner shall also be at liberty to assail the same in appropriate proceedings.

15. It is further noted that the impugned termination dates back to the year 2021. Counsel for NMRC, on instructions, submits that vacancies presently exist for the post of Station Controller/Train Operator. In such circumstances, it is observed that in the event the Petitioner succeeds in the proceedings concerning his nationality/citizenship, it shall be open to him to seek appropriate relief in relation to the impugned termination, in accordance with law.



16. With the above directions, the petition is disposed of, along with pending applications.

MARCH 25, 2026/hc

SANJEEV NARULA, J