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

+ **W.P.(C) 11119/2018**

SH. JITENDER SINGH

.....Petitioner

Through: Mr. Sachin Chauhan, Advocate with
Mr. Akash Poddar, Advocate.

versus

MINISTRY OF RAILWAY AND ORS.

.....Respondents

Through: Mr. Tanveer Ahmed Ansari,
Advocate.

CORAM:

HON'BLE MR. JUSTICE DINESH MEHTA

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

ORDER

18.11.2025

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1. The petitioner vied for the post of Constable (GD) in the Railway Protection Force (hereinafter referred to as 'RPF'). He cleared all stages of selection process including written examination, physical efficiency test, interview and medical examination, but was not afforded appointment order in wake of the pendency of criminal case, against him.
2. When the petitioner enquired from the respondents, they sent a communication that he was not allowed to join because of the pending criminal case, which was registered pursuant to an FIR lodged by complainant asserting that the petitioner has wrongly claimed benefit of being a Scheduled Tribe candidate.
3. It is an admitted fact that the petitioner was subsequently acquitted in the criminal case by judgment and order dated 13.03.2018. When the



petitioner approached the respondents seeking appointment, they turned down his request by communication dated 12.06.2018, *inter alia* stating that the petitioner had not been given a clean acquittal and was given benefit of doubt.

4. Learned counsel for the petitioner submitted that acquittal is an acquittal in any case, and since the petitioner was denied appointment on the basis of a pending criminal case, whatever may be the reason, he cannot be denied his right getting appointment simply because the trial court acquitted him or because the complainant did not come to lead evidence.

5. Learned counsel further submitted that during the pendency of the present writ petition, petitioner has addressed a representation to the respondents *inter alia* seeking verification of his caste certificate of being 'Meena' and according to the report dated 31.10.2002 furnished by the officer, nominated by the respondents themselves, it was reported that petitioner's caste certificate is valid and he is a Scheduled Tribe candidate. The said report is reproduced as under:-

क्र०सं०	प्रमाण पत्र का विवरण	तहसीलदार सरधना, तहसील- सरधना, जिला - मेरठ (उ०प्र०) के पत्रांक संख्या- 375/प्र०प०लि०/2022 दिनांक-13.07.2022 से प्राप्त हुआ बिन्दुवार सत्यापन विवरण
1.	जाति प्रमाण पत्र संख्या-164 दिनांक-06/04/2002 श्री जितेन्द्र पुत्र श्री अतर सिंह निवासी ग्राम मेहरमती मीणा, तहसील-सरधना, जिला -मेरठ सरधना, जिला मेरठ।	1.) जाति प्रमाण स०: 164 दिनांक 06/04/2002 को इस कार्यालय द्वारा जारी किया जाना तस्दीक हुआ है। 2.) श्री जितेन्द्र सिंह पुत्र श्री अतर सिंह निवासी ग्राम- मेहरमती मीणा, तहसील-सरधना, जिला- मेरठ सरधना, जिला-मेरठ की जाति मीणा है, जो अनुसूचित जनजाति (ST) श्रेणी में आती है। 3.) अनुसूचित जनजाति (ST) श्रेणी भारत सरकार एवं केन्द्रीय सेवा हेतु अनुमन्य है। 4.) कार्यालय में भूतकाल में सत्यापन बाबत इस कार्यालय से जारी हुये अभिलेख उपलब्ध न होने के कारण सत्यापित प्रतिलिपियाँ उपलब्ध कराया जाना सम्भव नहीं है।

उपरोक्त के अनुसार शिकायतकर्ता जितेन्द्र पुत्र अतर सिंह का जाति प्रमाण पत्र सही है।

6. शिकायतकर्ता श्री जितेन्द्र पुत्र श्री अतर सिंह का स्थाई पता तस्दीक ग्राम पंचायत सरधना देहात के ग्राम प्रधान श्रीमती कोमल पत्नी श्री विपिन कुमार से कराया गया जिसके द्वारा प्रमाणित किया गया कि प्रार्थी जितेन्द्र पुत्र श्री अतर सिंह निवासी ग्राम- मेहरमती मीणा, ग्राम पंचायत- सरधना देहात, तहसील -सरधना, जिला - मेरठ का निवासी है जो "मीणा" जाति है जिसको मैं भलीभाँति जानती हूँ। बाद शिकायतकर्ता श्री जितेन्द्र पुत्र श्री अतर सिंह का पता तस्दीक ग्राम पंचायत अजीजाबाद पीतमपुरा बुलन्दशहर के ग्राम प्रधान श्रीमती पूजा देवी पत्नी श्री पवन चौधरी से कराया गया जिसके द्वारा प्रमाणित किया गया कि जितेन्द्र पुत्र श्री अतर सिंह स्थाई निवासी ग्राम मेहरमती मीणा ग्राम पंचायत सरधना देहात, तहसील -सरधना, जिला - मेरठ का निवासी है जो वर्तमान समय में अपने पिता श्री अतर सिंह पुत्र हरवंश की ननिहाल ग्राम -अजीजाबाद पोस्ट -पहासू, थाना -पहासू, विकास खण्ड -पहासू, तहसील- शिकारपुर, जिला- बुलंदशहर में अस्थाई तौर पर निवास कर रहा है जो जितेन्द्र पुत्र श्री अतर सिंह का अस्थाई पता है जिसे मैं भलीभाँति जानती हूँ एवं जितेन्द्र जाति से मीणा है।



6. Learned counsel for the petitioner argued that since the petitioner has been acquitted by a competent Court, obviously no criminal case remains pending against him and, therefore, the reason for which the petitioner was denied joining, itself, ceased to exist. Secondly, the report dated, 31.10.2002 given by the officer nominated by the respondents states that the certificate is valid, hence, the petitioner is entitled for appropriate directions to the respondents for appointment and joining along with all consequential benefits.

7. Learned counsel for the respondents did not dispute the fact that the petitioner has been acquitted so also the fact that as per the report aforesaid, his caste certificate has been found to be valid. He, however, contended that since petitioner's acquittal was not based on evidence or adjudication of the case on merit, (he was acquitted only for want of appearance of the complainant), he cannot take any advantage of such acquittal.

8. Heard learned counsel for the parties.

9. So far as petitioner's acquittal is concerned, the same is not disputed. On perusal of the record, we find that the sole reason for denial of his joining was, the pending criminal case. Said case has culminated into petitioner's acquittal. According to us, since the pending criminal case has resulted into acquittal, after adjudication or otherwise, the same has attained finality. Considering that the FIR was lodged by a complainant questioning petitioner's caste and the complainant did not appear, the learned Court was constrained to acquit the petitioner. Hence, it cannot be said that a criminal case is pending against him.

10. It is noteworthy that respondents themselves have got the petitioner's caste certificate verified; they had asked the petitioner to furnish fresh



certificate and after seeing a duplicate certificate dated 04.02.2010, the same was verified and found to be valid.

11. During the pendency of the present writ petition, the respondents have called the petitioner, recorded his statement on 22.03.2022 and thereafter *vide* communication dated 06.09.2022 the said inquiry report was forwarded to the Principal Chief Security Commissioner. However, the same was not provided to the petitioner and has been furnished by the respondents, that too after Court's indulgence.

12. The petitioner's candidature and conduct, cannot be said to be under cloud. Such being the position, we do not find any reason to deny the petitioner, the relief which he is otherwise entitled to. In normal circumstances, we would have asked the respondents to give all consequential benefits, but considering that a criminal case was pending against him and he did not work, instead of granting actual monetary benefits, we deem it appropriate and in the interest of justice to give notional benefits for the period he was not allowed to join.

13. The respondents are directed to allow the petitioner to join within a period of 8 weeks from today. In case the respondents fail to do so, the petitioner shall be entitled for actual salary from 15.01.2026. The petitioner's date of joining shall be reckoned from the date when the person less meritorious than him had joined the services, and the period from such date up to 15.01.2026 shall be notionally considered.

14. The petitioner shall, however, be entitled to all the annual increments, etc. on actual basis.



15. Writ Petition, therefore, is allowed.

DINESH MEHTA, J.

VIMAL KUMAR YADAV, J.

NOVEMBER 18, 2025/MR