

GAHC010155602026



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/3937/2026

SRI HIMMATSINH GULABSINH SOLANKI
HEAD CONSTABLE/GD, SON OF GULABSINH SOLANKI PRESENTLY
SERVING AT 7 WIRELESS BATTALION CRPF, KHATKHATI, ASSAM, FORCE
NO. 075123971 CT/GD, KHATKHATI, DISTRICT- KARBI ANGLONG, ASSAM

VERSUS

THE UNION OF INDIA
REPRESENTED BY THE SECRETARY TO MINISTRY OF HOME AFFAIRS,
GOVERNMENT OF INDIA, NORTH BLOCK, NEW DELHI- 110001.

2:THE CENTRAL RESERVE POLICE FORCE

REPRESENTED BY ITS SPECIAL DIRECTOR GENERAL OF POLICE
NORTH EAST ZONE
9TH MILE
AMERIGOG
GUWAHATI
ASSAM
PINCODE- 781023
DISTRICT- KAMRUPM

3:7 WIRELESS BATTALION

CRPF KHATKHATI
ASSAM
REPRESENTED BY ITS COMMANDANT. DISTRICT- KARBI ANGLONG

4:THE COMMANDANT

7 WIRELESS BATTALION
CRPF KHATKHATI

DISTRICT- KARBI ANGLONG
ASSAM

Advocate for the Petitioner : MR. K KAKOTI, MR R SINGHA, MR J BORAH, MR N PATIRI

Advocate for the Respondent : DY.S.G.I.,

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

Date : 10.08.2026

Heard Mr. R. Singha, learned counsel for the petitioner, who submits that by filing this writ petition, the petitioner has sought for a direction to the respondent authorities concerned not to take any coercive steps pursuant to the finding reached in the departmental enquiry which was initiated by issuance of Memorandum of Charge-Departmental Enquiry dated 18.07.2025 (Annexure-7). The petitioner does not dispute the fact that he had submitted a Schedule Tribe Certificate showing him to be Dungri Garasia and by the said Certificate he has secured an appointment as a Constable in the CRPF in the year 2007. It so happened that due to certain property dispute in his home front in the State of Guajarat, an Enquiry was conducted by a Committee constituted by the Departmental Analysis Committee, Gandhi Nagar at Gujarat. The enquiry was made with regard to the caste status of the petitioner and his family members and consequently culminated in an Enquiry Report dated 12.12.2023 (Annexure-3) with a finding that if the ancestors of Mr. Narsinh Gulabsinh Solanki who is the father of the petitioner and the other 3(three) persons were tribal then there should have marriage-relationship with Tribal Community as on today as well. However, their marriage relationship are only with "Solanki Rajput"

Community. The same only proves that they belong to "Solanki Rajput" Community and therefore, their schedule tribe certificate are liable to be cancelled. The enquiry therefore concluded with an order that all the seven schedule tribe certificates belong to the petitioner and his family members should be cancelled.

Aggrieved with the same, the petitioner has approached the Gujarat High Court through R/Special Civil Application No.6122/2025. The Gujarat High Court on 05.05.2025 issued notice and directed the case to be listed along with Special Civil Application No.1475/2025 which according to the petitioner is a case filed by his sibling. This apart, there was an FIR filed against the petitioner alleging commission of offense punishable under Section 465/466/467/471 IPC and Section 12(1) (a) and Section 12(a) (b) of the Gujarat Schedule Caste, Schedule Tribes and Other Backward Classes (Regulation of Issuance and verification of Caste Certificates) Act 2018. The petitioner has also moved the Gujarat High Court for quashing the FIR vide R-Special Criminal Application (Quashing) No.7721/2025. The High Court vide order dated 22.01.2026 had granted interim relief till the next returnable dated. While doing so, one observation made by the High Court is that it appeared that it is not even the case of the prosecution that the Caste Certificate issued in favour of the petitioner herein, they are forged. The report of the Committee constituted for examining the Caste Certificate of the petitioner dated 12.12.2023 also appears to have been produced before the Court. Accordingly, interim relief appears to have been granted on such consideration.

The learned counsel submits that the petitioner is only a Clause-X pass and he had participated in the departmental proceeding in good faith after submitting a written reply to the Show-cause notice issued to him that the

findings of the Enquiry Report regarding the caste status of the petitioner being under challenged before the Gujarat High Court, the departmental proceeding may not be proceed with. However, it so happens that the departmental proceeding has proceeded and has come up with a conclusion that even though the petitioner did not get any benefit of relaxation of his age or physical measurements during recruitment but he had mislead the CRPF by getting the ST Certificate issued and therefore committed misconduct in getting recruited under the Schedule Tribe quota. The learned counsel submits that it is clear from finding of the Enquiry Report of the constituted Committee to examine the caste status of the petitioner and his family members that the ST Certificate has been issued by the Mamlatdar Vijaynagar and not a case of forgery or producing a fake Certificate on the part of the petitioner. The learned counsel thus submits that pending final consideration by the Gujarat High Court, respondent authorities may be directed not to take any coercive steps against the petitioner in terms of the enquiry report dated 28.11.2025.

Ms. R. Borah, learned Senior CGC on the other hand submits that the petitioner has not question the initiation of the departmental proceeding drawn against him by the CRPF authorities and therefore he cannot make a plea that no action should be taken in terms of the findings of the Enquiry Report in the departmental proceeding. She submits that the issue under consideration in the Gujarat High Court and the issue before the departmental authority are not one and the same. She submits that the petitioner has secured appointment as a Constable in the CRPF on the basis of the ST Certificate that he produced knowing fully well that he does not belong to a Schedule Tribe. Therefore, the Department has every right to take appropriate action against the petitioner in terms of the findings made by the Enquiry Officer in the departmental

proceeding.

Considering the above projection, the matter requires further examination and for which, let the notice of motion be issued returnable by 4(four) weeks.

Ms. R. Borah, learned Senior CGC accepts notice on behalf of all the respondents.

Therefore notice is complete.

Petitioner shall furnish a requisite copy of the writ petition to Ms. R. Borah, learned Senior CGC within 2(two) days.

Having regard to the prayer for interim protection this Court taking into account the fact that the petitioner is in service since the year 2007 and that the High Court of Gujarat in the application for quashing the FIR submitted by the petitioner and other family members has observed that it is not even the case of prosecution that the Caste Certificate issued in favour of the petitioners in that case were forged and further, having regard to the fact that the findings of the constituted Enquiry Committee to examine the Caste Certificate of the petitioners is under challenge before the Gujarat High Court therefore directs the respondent authorities not take any coercive steps against the petitioner pursuant to the Enquiry Report submitted on 28.11.2025 till the next returnable date.

List the matter on 14.09.2026.

JUDGE

Comparing Assistant