

GAHC020002952024

2026:GAU-NL:5



IN THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM & ARUNACHAL PRADESH)
KOHIMA BENCH

WP(C)/94/2024

1. Sri Suraj Pawar Prakash
S/O Pawar Prakash Tukaram
R/O Fl.502, Nandan Home Nanded Fata,
Near Pandurang Hotel Darvatkar
Industries, Nanded Pune-411041

.....Petitioner

-Versus-

1. The Union Of India
Represented by the Govt. of India Ministry of Home
Affairs North-East Division North Block,
New Delhi-110001.
2. The Director General of Police CRPF No.1 C.G.O.
Complex Lodhi Road
New Delhi-110003.
3. The Inspector General of Police Karnataka Ballapur
Road Yelehanka Bengaluru Karnataka-560064.
4. The Commandant The Office of The Commandanty 78
BN CRFPF Sechu-Zubasa Nagaland-797001.
5. The DIGP Range CRPF
Appellate Authority Doddabellapur Road Yelahanka
Bengaluru Karnataka-560064 India.

.....Respondents

For Petitioners : Mr. P. R. Sharma, Advocate
 For Respondents : Mr. Yanger Wati, Advocate
 Date of Judgment **18.08.2025**
 Reserved
 Date of Judgment : **20.01.2026**

BEFORE
HON'BLE MR. JUSTICE MRIDUL KUMAR KALITA
JUDGMENT

1. Heard Mr. P. R. Sharma, the learned counsel for the petitioner. Also heard Mr. Yanger Wati, the learned Central Government Counsel for the respondents.
2. This writ petition under Article 226 of the Constitution of India has been filed by the petitioner, Sri Suraj Pawar Prakash, praying for issuance of writ in the nature of mandamus/ Certiorari for setting aside the order dated 23.03.2020, passed by the Inspector General of Police, CRPF, bearing Order No. R-XIII-3/2020/Adm-1, whereby the revision filed by the present petitioner against the order of removal of the petitioner from service was dismissed.
3. The petitioner is also aggrieved with the order dated 21.05.2019, passed by the Commandant, Office-78 Battalion, CRPF, Jubja, Kohima Nagaland, bearing Order No. SANKHYA-P-8/2019-STH-A0-DO-78, dated May 2019.
4. The facts relevant for consideration of the instant writ petition, in brief, are that the petitioner was employed as a CT/ARMR (Sepoy/armour) in 78 Battalion, CRPF, Kohima Nagaland. On 19.10.2015, he got married to one Smt. Vinamrata Dhanesh Kurre,

as per Hindu rituals, at Arya Samaj Mandir, Baijnathpara, Raipur, Chhattisgarh, and their marriage was registered by Marriage Certificate No. 18005, dated 19.10.2015.

5. It is stated by the petitioner that just after four days of the said marriage, serious differences arose between the petitioner and his wife, and on 23.10.2015, they dissolved their marriage by executing a marriage cancellation bond, which was notarized by notary Bharat Lal Sahu at Chhattisgarh, Raipur. It is further stated by the petitioner that after dissolution of his first marriage, he married again, and his first wife also married to another person. The petitioner, on 25.02.2016, solemnized his second marriage with one Smt. Pooja Vithal More.
6. In the month of May 2019, the Commandant Office-78 Battalion, CRPF, Jubja, Kohima Nagaland, by order number Sankhya-P-8/2019-STH-A0DU78, initiated a departmental inquiry against the present petitioner. Two charges were leveled against the present petitioner. The first charge was under Section 11 (1) of the CRPF Act 1949, i.e., While working as a member of the force, he married Mrs. Pooja Suraj Pawar, while his first wife Smt. Vinamrata Dhanesh Kurre was surviving, which under the Rule 15 of the CRPF Rule 1955 is prohibited, and also a punishable offence under Rule 27 of the CRPF Rule.
7. The second charge, which was leveled against the petitioner, is that as a member of the force, on 28.05.2016, the petitioner prepared a fake certificate to earned leave for 30 days, and has signed himself

on the seal of the Commandant, 78th Battalion, which is also a punishable offence under Rule 27 of the CRPF Rule 1955.

- 8.** During the departmental proceeding, the petitioner was found guilty of both the charges, and ultimately the punishment of removal from service was imposed on him, with effect from 21.05.2019. Thereafter, an appeal on 18.06.2019 was preferred by the petitioner before DIG, Police, Range, CRPF, Bangalore, Respondent No. 5, who is the Appellate Authority, with a prayer to set aside the order of disciplinary authority, and to allow him to continue in the service. However, by the order dated 19.10.2019, the said appeal was dismissed by the Respondent No. 5. Against the order dated 19.10.2019, passed by the appellate authority, the petitioner also filed a revision before the Inspector General of Police (Respondent No. 3). However, the said revision was also dismissed on 23.03.2019.
- 9.** Mr. P. R. Sharma, the learned counsel for the petitioner has submitted that the disciplinary authority as well as the appellate and revisional authorities have erred in rejecting the case of the present petitioner by ignoring the evidence on record as well as other relevant materials on record.
- 10.** He submits that the petitioner is the sole bread earner of his family and the penalty of the removal from service imposed on him is highly disproportionate vis-à-vis the charges leveled against him. He submits that in this case, the first marriage of the petitioner with his first wife, Smt. Vinamrata Dhanesh Kurre, was dissolved by mutual consent after four days of the marriage. However, as at that point of

time, the petitioner was not aware of the legal niceties of dissolution of marriage, therefore, he was under impression that his marriage was legally dissolved. The petitioner, thereafter, approached the Court of learned Civil Judge (Senior Division) Baduj and prayed for dissolution of his marriage with his first wife legally on mutual consent. Thereafter, by order dated 18.09.2020, the marriage of the petitioner with his first wife Smt. Vinamrata Dhanesh Kurre, was dissolved legally by the decree of dissolution of marriage passed by the Court of learned Civil Judge (Senior Division) Baduj. He submits that the disciplinary authority as well as the appellate and divisional authorities failed to take into consideration this aspect, therefore, the order of removal of the petitioner from service is not valid.

- 11.** The learned counsel for the petitioner has further submitted that with regard to the second charge of preparing a fake earned leave certificate for 30 days using the seal of the commandant, the said allegation has been totally denied by the petitioner. He submits that the removal of service which is akin to the dismissal from service is the most extreme form of punishment, which may be imposed upon a government employee and same has effect of not only cutting the source of income but also effect his dependence as it will be extremely difficult for him to get any employment in any public sector.
- 12.** He submits that the misdemeanor of second marriage during the subsistence of first marriage though is in violation of rule cannot be regarded as one of the most heinous form of misconduct for which the highest penalty of removal may be imposed. In support of his

submission, the learned counsel for the petitioner has cited following rulings of this Court :-

- i. ***Amal Kumar Barua Vs. State of Assam*** reported in ***(2006) 2 GLT 569.***
- ii. ***Union of India and Others Vs. Pranab Kumar Nath*** (Judgment dated 18.01.2023 in Writ Appeal No.357/2022).

13. On the other hand, Mr. Yanger Wati, the learned Central Government Counsel has submitted that the instant Writ Petition filed by the present petitioner is liable to be dismissed in as much as the petitioner has been found to be delinquent not only for marrying second time, during the subsistence of his first marriage, *de horse* the rules, but he was also found to have manufactured fake leave certificate by using seal of the commandant of CRPF and his signature, which is an unpardonable offense committed by member of a discipline service like Central Reserve Police Force.
14. He submits that as the petitioner and his first wife were Hindu in religion, their marriage, which was legally performed can be dissolved only by a decree of divorce issued by a Court of competent jurisdiction. He submits that any undertaking notarized by notary regarding dissolution of marriage does not have any legal force and the disciplinary authority, appellate authority as well as the revisional authority took this aspect into consideration and has rightly rejected the plea of the petitioner.
15. The learned Central Government Standing Counsel, appearing for respondent has submitted that there is no infirmity or illegality or

any perversity in the orders of the disciplinary authority, appellate authority as well as the revisional authority. He submits that they acted well within the bounds of their jurisdiction and, therefore, any interference by this Court in exercise of its jurisdiction is not warranted in this case.

- 16.** He also submits that there has been no procedural irregularity or any violation of the principles of natural justice in the disciplinary proceeding leading to the passing of the impugned orders against the petitioner, therefore, the interference by this Court in exercise of its writ jurisdiction is uncalled for.
- 17.** I have considered the submissions made by the learned counsel for both sides and have gone through the materials on record. I have also gone through the rulings cited by the learned counsel for both sides in support of their respective submissions.
- 18.** In the instant case, the impugned order of removal from service of the petitioner with effect from 21.05.2019 was passed by the disciplinary authority. After the petitioner was found guilty on both the charges on which disciplinary proceeding was initiated. The petitioner has exhausted the remedy of preferring an appeal to the Deputy Inspector General of Police under CRPF Rule. However, the appeal was also dismissed 19.10.2019. Against the order of the appellate authority, the petitioner preferred a revision before the Inspector General of the Police CRPF under the prevailing Rules. However, by order dated 23.03.2020, the revision was also dismissed as devoid of having any merit. Thus, it appears that the

petitioner has exhausted all the remedies provided under the statute to him.

19. Though, the petitioner has exhausted all the remedies, however, still this Court could have interfered in exercise of its writ jurisdiction. However, for warranting any interference by this Court, the petitioner has the burden to show that the order of his removal passed by the disciplinary authority and affirmed by the appellate and revisional authority is perverse or that the penalty imposed on him is strikingly disproportionate to the charges proved against him.
20. It appears that the rulings cited by the learned counsel for the petitioner in support of his submission namely, ***Amal Kumar Barua Vs. State of Assam (Supra) and Union of India and Others Vs. Pranab Kumar Nath (Supra)*** pertains to cases where the ultimate penalty of dismissal was imposed on the petitioners of those cases. However, in the instant case, it is not the penalty of dismissal which has been imposed on the petitioner but the penalty of removal has been imposed.
21. There is a distinction between dismissal of a member of the force vis-à-vis removal of such a member. While the dismissal of a member of a force precludes him from being re-employed in government service, however, on being removed from service, no such disqualification for any future employment (other than an employment in the Central Government Force, Central Reserve Police Force) under the Government is there. The distinction between the penalty of removal and penalty of dismissal has to be

taken into consideration while considering the applicability of rulings cited by the learned counsel for the petitioner in the instant case.

- 22.** In the cases cited by the learned counsel for the petitioner, the petitioners of those cases were granted relief by this Court by holding that offence of bigamy not entail a punishment of dismissal from service as it would be regarded as disproportionate. However, in the instant case, first of all, the penalty imposed is not that of dismissal, but that of removal from service and secondly, the petitioner is not only found of having flouted the service rule by marrying for the second time during the subsistence of his first marriage, but also found to have manufactured a fake leave certificate by using the seal of the commandant on which he himself put his signatures. The second charge proved against the petitioner is no less grave for a member of a disciplined force like Central Reserve Police Force.
- 23.** The petitioner in the reply to the affidavit-in-opposition filed by the respondents in this case has only denied his involvement regarding preparation of fake leave certificate. However, on perusal of the records, it appears that before the disciplinary authority, he had admitted that he prepared the leave certificate himself and, in a hurry, he used the commanded seal. By taking a contradictory plea in this writ petition, without there being anything to substantiate the same, the reliability of a said plea has diminished and it does not inspire the confidence of this court.
- 24.** This Court is of considered opinion that as both the charges against the petitioners were proved in the disciplinary proceeding and as

this is not a case where only the charges of bigamy has been made against the present petitioner, but also the charges of preparing a fake certificate, that too by using the seal of the commander, has been made and found proved, hence, this Court is of considered opinion that the punishment of removal awarded by disciplinary authority cannot be regarded as strikingly disproportionate to the charges proved. More so, considering the fact that the petitioner was a member of a disciplined force like Central Reserve Police Force and any laxity shown to the petitioner may affect the overall discipline of the force.

- 25.** This Court is also of the considered opinion that in the instant case, the petitioner has failed to show any violation of the principles of natural justice or that the order of removal passed by the disciplinary authority and affirmed by the appellate and revisional authority are perverse and that the order of removal vis-à-vis the charges proved against him is so severe that it shocks the conscience of the Court.
- 26.** Under such circumstances, this Court does not find any merit in this writ petition. Accordingly, the same is dismissed.
- 27.** The Registry of the Principal Seat is directed to immediately send this case record to the Registry of Permanent Bench of this High Court at Kohima.

JUDGE

Comparing Assistant