

GAHC020006132025



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

Case No. : WA/28/2025

UNION OF INDIA AND 4 ORS
REPRESENTED BY THE HOME AFFAIRS, GOVT. OF INDIA

2: THE CHAIRMAN
STAFF SELECTION COMMISSION
BLOCK NO. 12
CGO
COMPLEX
LODHI ROAD
NEAR JLN STADIUM
NEW DELHI
DELHI-110003

3: DIRECTOR GENERAL
CRPF
CENTRAL RESERVE POLICE FORCE
RECRUITMENT BRANCH
EAST BLOCK - 7
LEVEL 4
SECTOR- 1
R.K. PURAM
NEW DELHI-110066 MINISTRY OF HOME AFFAIRS

4: NORTH EASTERN REGIONAL OFFICE
STAFF SELECTION COMMISSION
REPRESENTED BY REGIONAL DIRECTOR
HOUSEFED COMPLEX
WEST END BLOCK
LASAT GATE-BASISTHA ROAD
PO ASSAM
SACHIVALAYA
DISPUR
GAUHATI-781006

5: DEPUTY INSPECTOR GENERAL
GROUP CENTRE
CRPF
RECRUITMENT BRANCH
ADARINI SALBAGAN
AGARTALA
WEST TRIPURA
TRIPURA-7990

VERSUS

SHRI THUNGBEMO AND 5 ORS
S/O LATE NZANBEMO ODYUO, H/NO. 285-A, LOWER PWD, KOHIMA
NAGALAND

2:SHRI IMNAMEREN
S/O TAKUMBUBA
ALICHEN MOKOKCHUNG
NAGALAND

3:SHRI MOAKABA
S/O MOAMEREN.
H.NO. 803
LONGSA VILLAGE
MOKOKCHUNG
NAGALAND

4:SHRI SHECUTO
S/O NEHUSA SAKRABA
VILLAGE
PHEK
NAGALAND

5:SHRI NUVOSA SWURO
S/O VILATO SWURO
CHESEZU VILLAGE
PHEK NAGALAND

6:SHRI LIBEMO MOZHUI
S/O THUNGLAMO MOZHUI
SENJUM VILLAGE
DIMAPUR
NAGALAN

Advocate for the Petitioner : YANGER WATI,

Advocate for the Respondent : T. B. JAMIR, I JAMIR, MEYIREN JAMIR, ASEN
T JAMIR

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN
HON'BLE MRS. JUSTICE YARENJUNGLA LONGKUMER

ORDER

Date : 27-08-2026

(R. Phukan, J)

Heard Mr. Chingyang Phom, appearing on behalf of Mr. Yangerwati, learned CGC, appearing for the appellants. Also heard Mr. T.B. Jamir, learned counsel, appearing for the respondents.

2. This intra-court appeal is directed against the judgment and order, dated 21/05/2024, passed by the learned Single Judge in W.P. (C) No. 76 of 2022.

3. It is to be noted here that vide impugned order/impugned judgment and order dated 21/05/2024, the learned Single Judge has allowed the writ petition filed by the respondents herein and set aside the letter, dated 24/07/2021, and also the letter of cancellation dated 30/01/2023, impugned in the aforesaid writ petition, and directed the appellants herein, to induct the respondents herein, altogether six in numbers, to their service, as Constable (GD) forthwith.

4. The learned counsel for the appellants submits that the respondents herein, altogether 6 in numbers, had applied for the post of Constable (GD) in CRPF, among others, in view of the online notice, dated 21/07/2018, issued by the Staff Selection Commission, respondent No. 4. He also submits that the respondents herein have successfully cleared all the tests/examinations, and offer of appointment letters and appointment letters were issued to them

with a direction to report for duty to the DIG/DIGP, Group Centre, CRPF, Adarini, Salbagan, Agartala of West Tripura. Accordingly, the respondents had reported for duty and were allotted the Force Numbers (F/No.) and were assigned duties. However, while the respondents were discharging their duties in the Group Centre, their offer of appointment letters were cancelled, vide letter dated 24/07/2021, as during verification, it has been found that the domicile district in their online application did not match with their Permanent Residential Certificate. The matter was, then, forwarded to the Staff Selection Commission for revision of their results and the Staff Selection Commission, then, vide letter dated 28/11/2022, intimated that the respondents herein are not qualified in document verification and thereafter, the Office of the DIG, Group Centre, CRPF, Agartala, vide impugned letter, dated 30/01/2023, had cancelled the candidature of all the respondents to the post of Constable (GD) in CRPF, on account of mismatch in their documents.

4.1. The learned counsel for the appellants also submits that then, being aggrieved, the respondents herein, had challenged the impugned letter dated 24/07/2021, issued by the office of the DIG, Group Centre, CRPF, Agartala, and also the impugned letter dated 30.01.2023, issued by the office of the DIG, Group Centre, CRPF, Agartala, by filing one writ petition being **W.P.(C) No. 76 of 2022**, and contended to interfere with the same.

4.2. Then, upon hearing both the parties, the learned Single Judge, vide **impugned judgment and order, dated 21/05/2024**, had set aside both the letters, i.e., the cancellation of offer letter dated 24.07.2021, and also the cancellation of appointment letter, dated

30.01.2023, and directed the appellants herein to induct the respondents to their service as Constable (GD) forthwith, and further directed that they shall be given notional benefits, including seniority, from the date of their initial appointment, which shall, however, be not in respect of monetary consideration.

4.3. The learned counsel for the appellants also submits that while passing the impugned judgment and order, the learned Single Judge had ignored the fact that there is a mismatch in respect of the information given by them in their online application, in respect of their domicile and Permanent Residence Certificate, and it has also failed to take note of the fact that the subject matter of challenge of domicile mismatch and request for change in the CAPF examination is pending before the Hon'ble Supreme Court, wherein orders, similar to the orders impugned in this appeal, was passed by a learned Single Judge.

4.4. The learned counsel for the appellants further submits that in the notice, clear and specific instructions have been incorporated referring to the significance of domicile and the candidates were repeatedly informed to be careful in submitting the application, and that the learned Single Judge had overlooked the correct domicile State/district data, which are key inputs for the preparation of results and fixing the cut-off State-wise and further district-wise, for general area districts, border-guarding districts, and Naxal/militancy-affected districts, and that furnishing of a correct domicile district/domicile state, is not merely declarative, but is mandatory and to waive or dilute the stipulated terms and conditions would, per se, introduce elements of discrimination, arbitrariness, and unfairness.

4.5. On such count, he submits that the impugned judgment and order, so passed by the learned Single Judge, suffers from material irregularity and illegality and therefore, it is contended to interfere with the same by admitting this appeal.

5. Per contra, Mr. T.B Jamir, learned counsel for the respondents, has vehemently opposed in admitting this appeal. Referring to a decision of a Division Bench of this Court in the case of **Sonaram Baruah and Another-Versus-Assam Electricity Board and Others**, reported in **2010 SCC OnLine Gau 489**, (specially to paragraph-20), he submits that admission of a writ appeal is not a matter of right, like a civil first appeal or a criminal appeal. But, when a *prima facie* case is made out for examining the judgment and order of the learned Single Judge, then only the Court would admit the appeal for hearing.

5.1. Mr. Jamir further submits that even if the finding of the learned Single Judge is erroneous, then also the Appellate Court cannot interfere with the order of the learned Single Judge, unless it is totally perverse or violative of the provisions of law. He also submits that at the time of admission of an appeal, the Appellate Court should be more cautious to examine the *prima facie* merit of the appeal. When there is no *prima facie* merit in an appeal, the Court should avoid admitting the same.

5.2. Mr. Jamir also submits that in the present appeal, in respect of the grounds, at page No.12, point No. (VI)-(I)(F), the appellants have taken a stand that the learned Single Judge was not justified in not appreciating the fact that the subject matter of change/domicile mismatch and request for change in the CAPF examination, is

pending before the Hon'ble Apex Court, wherein orders, similar to the orders impugned herein, were passed by the learned Single Judge. However, referring to an affidavit filed by the appellant No.4 herein, in paragraph-2, in the contempt petition being Civil Original Petition (C) No. 10 of 2025, which was instituted by the respondent herein for non-compliance of the judgment and order of the learned Single Judge, dated 21.05.2024, the appellant No. 4 herein had mentioned the numbers of the Special Leave Petitions which were pending before the Hon'ble Supreme Court being – SLP Nos. 013883-013884/2022 (Union of India vs. Neethulekshmi); SLP No. 014116/2023 (Union of India vs. Brajesh); SLP No. 11168/2021 (Union of India vs. Rajesh; SLP(C) No. 030303/2024 (Union of India vs. Sunkara Daramma); SLP No. 1195-001197/2025 (Union of India vs. Dharamdeo Ray); and SLP No. 012511/2025 (Union of India vs. Sunder Verma). But, before filing of the present intra-court appeal on 09.06.2026, the Special Leave Petitions, so mentioned in paragraph No.2, were dismissed by the Hon'ble Supreme Court on 03/09/2025.

5.3. To substantiate his submission, Mr. Jamir has produced the case status of the said Special Leave Petitions, before this Court and submits that knowing fully well that the Special Leave Petitions were dismissed on 3rd September 2025, the appellant herein had filed the appeal on 09.06.2026, and that there is suppression of material facts, and that the appellants have not approached this Court with clean hands and on this count alone this intra-court appeal is liable to be dismissed at the very threshold.

5.4. Further, Mr. Jamir, on merit of the appeal, also, submits that

the learned Single Judge has, relying upon a decision of Hon'ble Supreme Court in the case of **Vashist Narayan Kumar -Versus State of Bihar and Others, Civil Appeal No. 1 of 2024**, held that the discrepancy arose inadvertently while filling up the form and that the respondents had produced the correct certificate and gained no advantage, and the error has no bearing on selection, and the mistake is of trivial in nature and as such, the learned Single Judge has rightly interfered with the impugned letters, dated 24/07/2021 and 30/01/2023. His further submission is that since the discrepancy, so detected by the appellants herein, in respect of the petitioners concerning their permanent residence and their domicile certificate, is trivial in nature and since the respondents herein, had not derived any benefit from the same, and otherwise they have been found eligible and appointed, the finding recorded in the impugned judgment and order, so passed by the learned Single Judge, suffers from no infirmity or perversity requiring any interference of this Court. And under such circumstances, he has contended to dismiss the appeal at this motion stage itself.

6. Having heard the submission of learned counsel for both the parties, this Court has carefully gone through the memo of appeal and the grounds mentioned therein, and also perused the impugned judgment and order, dated 21/05/2025, passed by the learned Single Judge in W.P.(C) No. 76 of 2022.

7. The basic facts herein in this case are not in dispute. The petitioners had applied for being appointed to the post of Constable (GD) in CRPF, amongst others, in view of the notice, issued by the Staff Selection Commission, dated 21/06/2018. Thereafter, the

respondents herein had appeared before the interview and successfully cleared all the tests/examination, pursuant to which they were issued offer of appointment, with direction to report for duty at Agartala in the Group Centre, CRPF. Accordingly, the respondents herein have reported for duty and they were assigned force numbers and were also assigned duties. And while they were discharging duties, the DIG, Group Centre, CRPF, Agartala, had cancelled their offer of appointment letters, vide letter dated 24/07/2021, as during verification, it has been found that the domicile district in their online application, did not match with their Permanent Residential Certificate.

7.1. Thereafter, the matter was forwarded to the Staff Selection Commission for revision of result of the respondents herein, and the Staff Selection Commission, then, vide letter No. 7/1/2018-C-1/2 (Vol-VI), dated 28/11/2022, had intimated that the respondents herein are not qualified in document verification. And thereafter, the Office of the DIG, Group Centre, CRPF, Agartala, vide impugned letter, dated 30/01/2023, had cancelled the candidature of all the respondents to the post of Constable (GD) in CRPF on account of mismatch in their documents.

8. It is to be noted here that as per Clause 3 of the Notice, dated 21.07.2018, issued by the Staff Selection Commission, the candidates are required to submit domicile/PRC against his/her State/UT. And pursuant to the Clause 3 of the said Notice, dated 21.07.2018, issued by the Staff Selection Commission, the respondents herein had furnished following information in the application form concerning their domicile district and PRC: -

Petitioner No.	PRC	Domicile district entered in the application form
1	Wokha	Kohima
2	Mokokchung	Kohima
3	Mokokchung	Dimapur
4	Phek	Dimapur
5	Phek	Kohima
6	Wokha	Dimapur

9. It also appears that the learned Single Judge, after hearing both the parties, has recorded its finding in paragraphs-15, 16, 17, 18, and 19, which are extracted herein below: -

“15. What is therefore required to be examined is whether the impugned orders are sustainable on the aforesaid ground. Taking a very technical approach, the impugned orders may not be found fault with as there was also an undertaking in the application made by the candidates regarding their candidatures/appointments liable to be cancelled in case of incorrect/false information. However, what is required to be seen is whether there has been any malicious intention on the part of the petitioners to gain undue advantage by making a disclosure which is not inconformity with the certificates given. There is no dispute in the Bar that all the petitioners are permanent residents and indigenous people of the State of Nagaland. This Court has also noticed that in the advertisement, so far as the State of Nagaland is concerned, all the districts are stated to be militancy affected district where

additional vacancies were to be filled up. This Court also been apprised, as recorded above, that the petitioner nos. 4 and 5 who belong to the Phek district which is one of the Border Guarding district had not disclosed that aspect which could have been given them additional benefits. Under those conditions, it would be difficult to come to the conclusion that the discrepancy mentioned above, would have a material bearing in the decision to reject the eligibility of the petitioners for appointment. Though the stand of the respondents is that a false statement is made, there is a thin line of distinction between a false statement and an incorrect statement and to examine that aspect, one has to see as to whether the incumbent had derived any advantage from such statement. In the instant case, this Court has noticed that no advantage of any nature has been derived by such incorrect disclosure of facts, more so, when it is not in dispute that all the petitioners are indigenous residence of the State of Nagaland.

16. So far as the first impugned order dated 24.07.2021 is concerned, this Court is also of the view that when the entire matter was said to be under verification, the cancellation could not have been made and at best such appointment could have been kept in abeyance which was not done. In any case, this Court is of the view that the action of cancellation which has

been communicated vide order dated 30.01.2023 is on absolute trivial ground which would not have any material bearing on the aspect of eligibility of the petitioners to be appointed as Constables (GD) in the CRPF.

17. The Hon'ble Supreme Court in the case of Vashist Narayan Kumar (supra) has elaborately explained the aspect of trivial omissions or errors. This Court has also been apprised that the decision of this Court in the case of Abu Kasem (supra) and those of the Hon'ble Bombay High Court and Hon'ble Andhra Pradesh High Court are on the same recruitment process. In fact, the cases before the Hon'ble Bombay High Court and Hon'ble Andhra Pradesh High Court were on the same issue of domicile which have been interfered by the Hon'ble Courts and the cancellation of appointments have been set-aside.
18. Considering all the aforesaid aspects and discussions made above, this Court is of the view that the impugned orders dated 24.07.2021 and 30.01.2023 by which the appointments of the petitioners have been cancelled are unsustainable in law and accordingly set aside. The petitioners are accordingly to be inducted back in their services as Constables (GD) forthwith.
19. It is further directed that the petitioners be given notional benefits including seniority from the date of their initial appointments but such benefits would not be for any monetary

consideration.”

10. It is to be noted here that in the case of **Vashist Narayan Kumar (supra)**, the appellant, hailed from a rural area, belonged to a reserved category, and applied online to the post of Police Constable. He cleared the written examination and Physical Eligibility Test. In his online application, he had shown his date of birth as 18/12/1997, while his educational certificate shows his date of birth as 18/12/1997 and it has been held that the discrepancy arose inadvertently while filling the form at a cyber cafe. It was held that he produced the correct certificates himself, remained eligible on either date, gained no advantage, and the error had no bearing on selection. It was also held that the error was trivial, inadvertent, and bona fide, and it did not amount to misrepresentation or wilful suppression. Then, applying the *maxim de minimis non curat Lex* (the law does not concern itself with trifles), it has held that after a candidate has participated in and successfully cleared all stages of the selection process, candidature can be cancelled only after careful scrutiny of the gravity of the lapse, not of a trivial omission or error.

10.1. Another leading decision of Hon'ble Supreme Court decision is **Avtar Singh v. Union of India**, reported in (2016) 8 SCC 471, on suppression of information or submission of false information in verification/attestation form regarding criminal cases (conviction, acquittal, arrest, or pendency) at the stage of appointment or during service. Therein, a three-Judge Bench of the Hon'ble Supreme Court, laid down the guiding principles and resolved the conflicting Division Bench decisions, the ratio of which is summarized in paragraph-38 as under:

(i) Truthful disclosure is mandatory

(ii) Information given to the employer about conviction, acquittal, arrest, or pendency of a criminal case (before or after entering service) must be true. There should be no suppression or false mention of required information.

(iii) Employer's discretion is not absolute

(iv) While the employer has the power to terminate services or cancel candidature for false information/suppression, this power must be exercised reasonably, objectively, and not arbitrarily or fancifully. Special circumstances of the case, nature of the post/duties, applicable government orders/rules, and overall suitability must be considered. Higher standards apply to higher posts or uniformed/disciplined forces.

(v) Guiding situations where suppression/false information is later discovered (where conviction or acquittal was already recorded before filling the form):

(vi) Trivial cases (e.g., shouting slogans at a young age or petty offences that would not have rendered the person unfit): Employer may, in its discretion, ignore the suppression and condone the lapse.

(vii)Non-trivial conviction: Employer may cancel candidature or terminate services.

(viii) Acquittal in cases involving moral turpitude or heinous/serious offences (especially on technical grounds, not a clean acquittal, or on benefit of doubt): Employer may consider all relevant antecedents and decide on continuance of the employee.

(ix)Truthful declaration of a concluded criminal case: Employer still has the right to consider antecedents and is not compelled to appoint the candidate.

(x)Truthful declaration of a pending trivial criminal case: Employer may, in its discretion and depending on facts, appoint the candidate subject to the outcome of the case.

(xi)Deliberate suppression of multiple pending cases: Such false information itself assumes significance; employer may cancel candidature or terminate services, as appointment of a person facing multiple cases may not be proper.

(xii)Criminal case pending but unknown to the candidate at the time of filling the form: It may still have an adverse impact; the appointing authority decides after considering the seriousness of the crime.

(xiii)Confirmed employees: A departmental enquiry is necessary before termination/removal/dismissal on grounds of suppression or false information (protection under Article 311 principles).

(xiv)Verification form requirements: The form must be specific and not vague. Only information specifically required needs to be disclosed. Action cannot be taken for suppression of a fact that was never asked for. Relevant information that comes to light can still be considered objectively for fitness.”

10.2. Shyam Nandan Mehta vs. Santosh Kumar & Ors., reported in 2025 INSC 586, is a very recent decision, on this point, in which Hon’ble Supreme Court has held that incorrect/non-material information that does not affect eligibility to appear in the exam, or selection, cannot ordinarily form the basis for cancelling an appointment. In the said case, the issue pertained to the appointment to the post of Intermediate Trained Assistant Teacher, wherein the appellant was declared successful based on his merit. However, the respondent had argued that the appointment of the appellant was based on manipulation in the TET examination certificate, wherein the allegation was that the appellant had shown his caste status as Most Backward Class (MBC) in the TET certificate, but as Backward Class (BC) in the selection process. Then dealing with the issue Hon’ble Supreme Court has held as under: -

“It is an admitted position that neither at

the time of TET examination nor in the present recruitment, the appellant has secured undue advantage or favour by showing his caste status as 'MBC' or 'BC' as the case may be. It is also an admitted position...that in the relevant year the cut off marks for clearing TET examination were same for 'BC' and 'MBC' categories. Likewise in the present recruitment the appellant has secured more marks than respondent no.1. He has not obtained any weightage of marks or relaxation by claiming to be belonging to 'BC' category which is his actual caste category. It has also been held that a category-related entry in a prior TET certificate that did not impact eligibility or confer advantage in the recruitment; recruiting agency itself had not cancelled the appellant's appointment on the allegation of submitting incorrect information. It is for the recruiting agency to take action against any candidate if incorrect information is supplied. The same cannot be made a foundation for allowing the writ petition when the said information does not affect the candidate's eligibility to appear in the examination,"

10.3. Consequently, Hon'ble Supreme Court has held that: -

"Thus, in our considered view, the High Court has wrongly set aside the appellant's appointment. We, accordingly, allow the appeal and set aside the impugned order."

11. Mr. Jamir, learned counsel for the respondents, submits that the respondents, on account of their occupation or for various other reasons, such as avocation have not been residing in their place of permanent residence and residing in different parts of the State and

that so some inadvertent mistake might crept in, while filling up the application form. But, according to him there is no dispute in respect of the domicile State and all are belonging to indigenous tribes of the State of Nagaland, and that the mistake was inadvertent and bona fide one, and the petitioners have derived no benefit from the same and as such, their appointment ought not have been cancelled by the appellants herein.

12. We find sufficient force in the submission of Mr. Jamir, learned counsel for the respondent, and we record concurrence to his submission.

13. It is well settled in the case of **Avtar Singh (supra)** that the employer's discretion is not absolute, and that the power to terminate service or cancel candidature for false information/suppression, must be exercised reasonably, objectively, and not arbitrarily or fancifully and before holding a person guilty of *suppression veri or suggestion falsi*, and that knowledge of the fact must be attributed to him.

14. A trivial or inadvertent mistake/incorrect information in a recruitment application form, from which the candidate derives no advantage and which does not affect eligibility in the selection process, is generally not a valid ground to cancel the appointment/candidature, if the candidate is otherwise found eligible and has successfully cleared all the selection stages.

15. To our considered opinion, the mistake appears to be inadvertent and trivial in nature, and also bona-fide one, and indisputably, the appellants herein, had failed to demonstrate before us that respondent herein, had derived any undue advantage from

such mistake or incorrect information. Indisputably also, the same does not affect their eligibility in the selection process. That being so, the ground for cancellation of the appointment of the respondents, having found them otherwise eligible, and who had successfully cleared all the selection stages and joined the duty and was discharging their duties, appears to be impermissible and on such count, the learned Single Judge had rightly interfered with the impugned letters.

16. Thus, having examined the impugned judgment and order, dated 21/05/2024, so passed by the learned Single Judge in W.P.(C) No. 76 of 2022, on the touchstone of the principles laid down by Hon'ble Supreme Court in the case of **Vashist Narayan Kumar (supra)**, and in the case of **Avtar Singh (supra)**, and also in **Shyam Nandan Mehta (supra)**, and further in the light of the submissions advanced by learned counsel for both the parties, we find that the same suffers from no infirmity, irregularity, or perversity requiring any interference of this Court.

17. In the result, we find no prima-facie merit in this intra-Court appeal. As held in the case of **Sonaram Baruah and Another (supra)** writ appeal is not a matter of right like a civil first appeal or a criminal appeal. It is only when a prima facie case is made out for examining the judgment and order of the learned Single Judge, then only the Court would admit the appeal for hearing.

18. Further, we find that the appellants herein have not approached this Court with clean hand, as they have suppressed the factum of dismissal of their Special Leave Petitions, by the Hon'ble Supreme Court on 03.09.2025, while filing the present intra-court

appeal on 09.06.2026.

19. Under the given facts and circumstances, we are not inclined to admit this appeal, and accordingly, the same stands dismissed at this motion stage itself, leaving the parties to bear their own costs.

Sd/-

JUDGE

Sd/-

JUDGE

Comparing Assistant