

News

"Distressing": The Delhi High Court maintains the BSF officer's termination for having extramarital affairs with a coworker's wife.



The Court further stated that such dishonest behavior offends every citizen's conscience and erodes public trust in the Armed Forces' integrity.

The firing of a Border Security Force (BSF) Sub-Inspector (SI) who was accused of having an extramarital affair with a fellow constable's wife was affirmed by the Delhi High Court on Thursday.

The BSF official's actions were deemed inappropriate for a disciplined force officer, morally troubling, and contrary to the spirit of his uniform by a Division Bench consisting of Justices C Hari Shankar and Om Prakash Shukla.

The Court emphasized that such dishonest behavior offends every citizen's conscience and erodes public trust in the military's integrity.

We cannot ignore the petitioner's actions, which are not only dishonorable but also inappropriate for a public servant entrusted with the heavy duty of national security. Since such dishonest behavior erodes public faith in the Armed Forces' integrity and is unacceptable to every citizen's conscience, this Court cannot ignore such a violation of institutional and moral standards," the Bench noted.

As a result, the Court denied Sub-Inspector Patil Shivaji Madhukar's writ suit, which sought to have the General Security Force Court's (GSFC) 2022 order that had dismissed him from service quashed.

Between 2019 and 2020, Madhukar was accused of having an inappropriate relationship with the wife of a fellow constable while he was assigned to Raninagar in Jalpaiguri, West Bengal. He allegedly visited her home when her husband was away and gave her presents, such as clothes, a gold locket, and a cell phone.

After that, the woman's husband filed a formal complaint, which led to a Court of Inquiry and further GSFC proceedings.

The GSFC found Madhukar guilty of three charges under Section 40 of the BSF Act pertaining to activities detrimental to the discipline of the Force, based on the testimony of numerous witnesses and digital evidence.

In 2023, the BSF Directorate General denied his petition against the same.

Before the High Court, Madhukar contended that the woman's assertions were produced under duress and that any relationship was consensual. Additionally, he asserted that his cell phone's evidence had been handled improperly.

Nonetheless, the Court stated that the GSFC processes adhered to due process and found "consistent and credible evidence" to support the conclusions.

The petitioner was represented by advocates Shaurya Pratap Singh Banshtu, Aayushman Aeron, and Surender Singh Hooda.

Senior Panel Counsel Anshuman represented the Union of India.

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