

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE VIVEK KUMAR SINGH

ON THE 20th OF AUGUST, 2026

WRIT PETITION No.1827 of 2013

Shankhpal Namdeo

Versus

State of M.P. & others

Appearance:

Shri Hemant Shrivastava- Senior Advocate with Ms. Prabha Armo – Advocate for the petitioner.

Shri Vijayendra Singh Choudhary- Government Advocate for the respondents/State.

Shri Ram Sharan Rathore- Advocate for respondent No. 6.

Reserved on : 23.07.2026

Delivered on : 20.08.2026

ORDER

The petitioner has filed the instant petition challenging the order dated 15.11.2012 passed by the Collector, Satna which is passed in compliance with a remand directive issued by this Court on 19.07.2012 in an earlier round of

litigation being W.P. No. 2978/2012. Furthermore, the petitioner challenges the preceding appellate authority's order dated 04.02.2012 and the original cancellation order dated 17.02.2011, whereby, appointment of petitioner to the post of Gram Rojgar Sahayak, Gram Panchayat Mednipur, Janpad Panchayat Sohawal, District Satna has been cancelled. The petitioner is also seeking a direction against the respondents to restore his appointment with all consequential monetary benefits.

2. The factual matrix of the present case is that the State Government issued circulars and guidelines on 10.11.2009 for the contractual recruitment of Gram Rojgar Sahayaks under the National Gramin Rojgar Guarantee Scheme (NREGS). Pursuant to these binding guidelines, Gram Panchayat Mednipur issued a public advertisement on 15.02.2010 inviting applications from eligible candidates. The prescribed cut-off date for the submission of applications was strictly fixed as 05.03.2010. A merit list was subsequently prepared by the competent committee wherein, the petitioner was placed at serial No. 1 and respondent No. 6 was placed at serial No. 2. On the basis of merit, the petitioner was issued an appointment order on 28.07.2010 by the Chief Executive Officer (CEO), Janpad Panchayat Sohawal and he formally submitted his joining report on 30.07.2010.

3. Pursuant to appointment, a complaint was lodged by respondent No. 6. The complainant alleged a procedural irregularity that the petitioner submitted

his application form after the expiration of the cut-off date of 05.03.2010 and that the Gram Panchayat's receipt register was maliciously manipulated to backdate the petitioner's entry by the submission of computer experience certificate which was issued by Radix Computer College.

4. While the Gram Panchayat's receipt register (Annexure P-14) reflected that the petitioner's application was received on 04.03.2010, the Radix Computer College certificate annexed to the very same application explicitly bore an issuance date of 09.03.2010. Based on this anomaly, the CEO, Janpad Panchayat cancelled the petitioner's appointment vide order dated 17.02.2011 and directed respondent No. 6 to assume charge.

5. The petitioner preferred an appeal before the Collector, Satna. The Collector rejected the appeal vide order dated 04.02.2012, relying on a statement and sworn affidavit from the Director of Radix College, affirming that the certificate was indeed issued on 09.03.2010.

6. Aggrieved by the order dated 04.02.2012, the petitioner approached this Court in W.P. No. 2978/2012. This Court vide order dated 19.07.2012 quashed the 04.02.2012 order and remanded the matter to the Collector with a specific direction that enquiry shall be conducted strictly with respect to the preparation of the receipt register maintained by the Gram Panchayat for tabulating the applications and to record a specific finding in that regard.

7. In furtherance of remand order of this Court, the Collector passed the impugned order dated 15.11.2012. The Collector examined the records and concluded that the entry dated 04.03.2010 in the receipt register was a forged entry made after the deadline to accommodate the petitioner. Consequently, the appeal was dismissed, giving rise to the present writ petition.

8. Ld. Senior Counsel for the petitioner submitted that the Collector, Satna, virtually reapproved the earlier order dated 04.02.2012 without conducting any proper and independent enquiry regarding the relevant record of the Gram Panchayat, thereby, failing to comply with the explicit directions of this Court in W.P. No. 2978/2012. It is submitted that the Collector deliberately ignored the earlier certificate and the written clarification from the Director of Radix Computer College dated 01.03.2010 and 15.07.2010 and instead relied on contradictory and incorrect oral statements that the certificate was issued on 09.03.2010. It is contended by Ld. Senior Counsel that even if the certificate is assumed to be dated 09.03.2010, it is an admitted position that no marks were allocated for this specific Radix Computer College certificate. The petitioner asserts that his merit (89.6%) was significantly higher than respondent No. 6 (86.44%) based on his higher secondary marks and his recognized computer diploma from Bhoj University. Therefore, the certificate was a redundant document and canceling the appointment on the basis of a

document that did not alter the comparative merit is arbitrary, illegal and bad in law.

9. *Per contra*, Shri J.N. Tripathi, Ld. counsel for respondent No. 6 submitted that it is an admitted fact that the cut-off date was 05.03.2010. He argued that a bare perusal of the Gram Panchayat application receipt register (Annexure P-14) reveals that the experience certificate submitted by the petitioner was dated 09.03.2010. Therefore, a qualification acquired subsequent to the last date of submission cannot logically be found enclosed within an entry dated 04.03.2010. The said mathematical and chronological impossibility proves forgery on the face of the record.

10. It is further submitted by Ld. Counsel for the respondent No. 6 that in strict compliance with this Court's remand order, the Collector conducted a thorough and detailed inquiry into the preparation and authenticity of the receipt register. This inquiry conclusively established that the register entries were manipulated and forged to accommodate the petitioner's belated application. The respondents vehemently argue that appointments under the NREGS guidelines must strictly adhere to transparency and prescribed timelines. A candidate who secures entry through tainted or forged official records has no vested right to hold public office. The factual findings regarding register forgery recorded by the statutory authorities are based on a

proper appreciation of material evidence and warrant no interference under Article 226 of the Constitution of India.

11. Heard the respective counsel and perused the record.

12. The petitioner's primary grievance is that the Collector failed to conduct a proper enquiry, misread the Gram Panchayat register and relied on the wrong set of statements from the Radix College Director. The petitioner is essentially asking the Court to re-evaluate the evidence by disbelieving the sworn affidavit of the College Director by relying instead on an unsworn clarification letter and to declare that the Gram Panchayat receipt register was perfectly genuine.

13. It is a well settled principle of law that the jurisdiction of the High Court under Article 226, particularly when issuing a writ of Certiorari is supervisory and not appellate in nature. The Court does not sit in appeal over the findings of fact recorded by a competent fact-finding authority. The primary concern of the writ court is the legality of the decision-making process, not the intrinsic correctness of the decision itself based on a reweighing of evidence.

14. The Hon'ble Apex Court in catena of its judgments have held that a writ of certiorari can be issued for correcting errors of jurisdiction but not for correcting mere errors of fact. In ***Syed Yakoob v. K.S. Radhakrishnan***, AIR 1964 SC 477, the Hon'ble Apex Court has held as under:-

“7. The question about the limits of the jurisdiction of High Courts in issuing a writ of certiorari under Article 226 has been frequently considered by this Court and the true legal position in that behalf is no longer in doubt. A writ of certiorari can be issued for correcting errors of jurisdiction committed by inferior courts or tribunals : these are cases where orders are passed by inferior courts or tribunals without jurisdiction, or is in excess of it, or as a result of failure to exercise jurisdiction. A writ can similarly be issued where in exercise of jurisdiction conferred on it, the Court or Tribunal acts illegally or properly, as for instance, it decides a question without giving an opportunity, be heard to the party affected by the order, or where the procedure adopted in dealing with the dispute is opposed to principles of natural justice. There is, however, no doubt that the jurisdiction to issue a writ of certiorari is a supervisory jurisdiction and the Court exercising it is not entitled to act as an appellate Court. This limitation necessarily means that findings of fact reached by the inferior Court or Tribunal as result of the appreciation of evidence cannot be reopened or questioned in writ proceedings. An error of law which is apparent on the face of the record can be corrected by a writ, but not an error of fact, however grave it may appear to be. In regard to a finding of fact recorded by the Tribunal, a writ of certiorari can be issued if it is shown that in recording the said finding, the Tribunal had erroneously refused to admit admissible and material evidence, or had erroneously admitted inadmissible evidence which has influenced the impugned finding. Similarly, if a finding of fact is based on no evidence, that would be regarded as an error of law which can be corrected by a writ of certiorari. In dealing with this category of cases, however, we must always bear in mind that a finding of fact recorded by the Tribunal cannot be challenged in proceedings for a writ of certiorari on the ground that the relevant and material evidence adduced before the Tribunal was insufficient or inadequate to sustain the impugned finding. The adequacy or sufficiency of evidence led on a point and the inference of fact to be drawn from the said finding are within the exclusive jurisdiction of the Tribunal, and the said points cannot be agitated before a writ Court. It is within these limits that the jurisdiction conferred on the High Courts under Article 226 to issue a writ of certiorari can be legitimately exercised (vide Hari Vishnu Kamath v. Syed Ahmad Ishaque [(1955) 1 SCR 1104] Nagandra Nath Bora v. Commissioner of Hills Division and

Appeals Assam [(1958) SCR 1240] and Kaushalya Devi v. Bachittar Singh [AIR 1960 SC 1168]”

[Emphasis Supplied]

15. In *Central Council for Research in Ayurvedic Sciences v. Bikartan Das*, (2023) 16 SCC 462, the Hon’ble Apex Court clarified on the scope of certiorari jurisdiction and held as under:-

“49. *The first cardinal principle of law that governs the exercise of extraordinary jurisdiction under Article 226 of the Constitution, more particularly when it comes to the issue of a writ of certiorari is that in granting such a writ, the High Court does not exercise the powers of the Appellate Tribunal. It does not review or reweigh the evidence upon which the determination of the inferior tribunal purports to be based. It demolishes the order which it considers to be without jurisdiction or palpably erroneous but does not substitute its own views for those of the inferior tribunal. The writ of certiorari can be issued if an error of law is apparent on the face of the record. A writ of certiorari, being a high prerogative writ, should not be issued on mere asking.*

...

...

...

61. *In the aforesaid context, it will be profitable for us to refer to the decision of this Court in Indian Overseas Bank v. Staff Canteen Workers' Union [Indian Overseas Bank v. Staff Canteen Workers' Union, (2000) 4 SCC 245 : 2000 SCC (L&S) 471] . This Court observed as under : (SCC pp. 259-60, para 17)*

“17. ... The findings of fact recorded by a fact-finding authority duly constituted for the purpose and which ordinarily should be considered to have become final, cannot be disturbed for the mere reason of having been based on materials or evidence not sufficient or credible in the opinion of the writ court to warrant those findings, at any rate, as long as they are based upon some material which are relevant for the purpose or even on the ground that there is yet another view which can reasonably and possibly be taken.”

62. However, we may clarify that findings of fact based on “no evidence” or purely on surmises and conjectures or which are perverse points could be challenged by way of a certiorari as such findings could be regarded as an error of law.
63. ...To put it pithily, certiorari shall issue to correct errors of jurisdiction, that is to say, absence, excess or failure to exercise and also when in the exercise of undoubted jurisdiction, there has been illegality. It shall also issue to correct an error in the decision or determination itself, if it is an error manifest on the face of the proceedings. By its exercise, only a patent error can be corrected but not also a wrong decision. It should be well remembered at the cost of repetition that certiorari is not appellate but only supervisory.
64. ... We may only say that while adjudicating a writ application for a writ of certiorari, the court is not sitting as a court of appeal against the order of the tribunals to test the legality thereof with a view to reach a different conclusion. If there is any evidence, the court will not examine whether the right conclusion is drawn from it or not. It is a well-established principle of law that a writ of certiorari will not lie where the order or decision of a tribunal or authority is wrong in matter of facts or on merits. (See : R. v. Nat Bell Liquors Ltd. [R. v. Nat Bell Liquors Ltd., (1922) 2 AC 128 (PC)])”

[Emphasis Supplied]

16. The scope of certiorari jurisdiction has been comprehensively reiterated by the Hon’ble Apex Court in a recent decision, ***Basamma & Anr. v. Goparappa and Ors., Civil Appeal no. 9021/2026***. In ***Basamma (supra)***, the Supreme Court heavily relied upon landmark Constitution Bench judgment to remind High Courts of the strict limitations of Certiorari jurisdiction. The relevant portion runs as:-

“12.1. A Constitution Bench of this Court in ***Hari Vishnu Kamath v. Syed Ahmad Ishaque***, while relying on an earlier

Constitution Bench decision in ***T.C. Basappa v. T. Nagappa***, laid down the following propositions with regard to the writ of certiorari:

“24. ... *There was considerable argument before us as to the character and scope of the writ of certiorari and the conditions under which it could be issued. ... On these authorities, the following propositions may be taken as established:*

24.1. *Certiorari will be issued for correcting errors of jurisdiction, as when an inferior court or tribunal acts without jurisdiction or in excess of it, or fails to exercise it.*

24.2. *Certiorari will also be issued when the court or tribunal acts illegally in the exercise of its undoubted jurisdiction, as when it decides without giving an opportunity to the parties to be heard, or violates the principles of natural justice.*

24.3. *The court issuing a writ of certiorari acts in exercise of a supervisory and not appellate jurisdiction. One consequence of this is that the Court will not review findings of fact reached by the inferior court or tribunal, even if they be erroneous. This is on the principle that a court which has jurisdiction over a subject-matter has jurisdiction to decide wrong as well as right, and when the legislature does not choose to confer a right of appeal against that decision, it would be defeating its purpose and policy, if a superior court were to rehear the case on the evidence, and substitute its own findings in certiorari. These propositions are well settled and are not in dispute.*”

17. The jurisprudence governing the High Court’s exercise of certiorari jurisdiction, as crystallized by the Hon’ble Supreme Court in a catena of decisions including ***Syed Yakoob, Central Council for Research in Ayurvedic Sciences*** and ***Basamma***, establishes that this power is strictly supervisory and not appellate in nature. A writ of certiorari is issued primarily to correct errors

of jurisdiction such as an authority acting without or in excess of its jurisdiction or failing to exercise it and to rectify patent errors of law apparent on the face of the record or procedural illegalities like violations of the principles of natural justice. The High Court cannot reappreciate, review or reweigh the evidence to substitute its own views for those of the inferior tribunal or fact-finding authority. Findings of fact, even if seemingly erroneous are immune from interference unless they are demonstrably perverse, based on absolutely no evidence, founded purely on surmises and conjectures or arrived at by the erroneous admission or rejection of material evidence which elevates the factual flaw to an error of law. Consequently, challenges pertaining merely to the adequacy, sufficiency or credibility of the evidence relied upon by the subordinate authority fall entirely outside the permissible scope of certiorari jurisdiction.

18. Applying the above principles to the present case, it is evident that this Court in W.P. No. 2978/2012 specifically directed the Collector to examine the integrity of the receipt register. The Collector executed this mandate. The Collector was faced with a factual anomaly, i.e., a document explicitly dated 09.03.2010 was found enclosed with an application supposedly received and entered into a register on 04.03.2010. To resolve this anomaly, the Collector relied upon the sworn affidavit submitted by the issuer of the document who is the Director of the College before the Collector which confirmed the

issuance date as 09.03.2010 and denied issuing any prior certificate to the petitioner. A writ court is not equipped to conduct a roving inquiry, to act as a handwriting expert to cross-verify the Panchayat registers or to determine which of the Director's contradictory statements is true. The Collector evaluated the competing evidence and arrived at a finding that the entry was forged. This finding is backed by cogent logic and sworn documentary evidence. It is neither perverse nor arbitrary and this Court in light of the settled law in *Basamma (supra)* will not reappreciate the evidence to disturb it.

19. Having established that the finding of forgery remains undisturbed, this Court must address the petitioner's most heavily emphasized argument. The Ld. Senior Counsel vehemently argued that even if the Radix certificate is discarded, he still tops the merit list because he already possessed the requisite computer diploma from Bhoj University and the Radix certificate carried no additional marks. Thus, he claims, the forgery was inconsequential to the outcome and his appointment should be protected.

20. This argument is legally fatal to the petitioner. The core issue before the administrative authority was not a mere miscalculation of marks but the fundamental integrity of the application process. The statutory cut-off date for submission was 05.03.2010. If an application contained a document that did not come into physical existence until 09.03.2010, the logical corollary is that

the application itself was submitted after the cut-off date. To accommodate this late application, the receipt register was necessarily backdated to 04.03.2010. This constitutes a deliberate manipulation of public records to gain a backdoor, illegal entry into public employment. The argument of the petitioner attempts to separate the forged document from the act of application. However, the law does not view fraud in silos. It is a settled maxim of jurisprudence that “Fraud vitiates everything” (*Fraus et jus nunquam cohabitant*). Fraud is an act of deliberate deception with the design of securing something by taking unfair advantage of another.

21. It is thus settled proposition of law that a judgment, decree or order obtained by playing fraud on the Court, Tribunal or Authority is a nullity and *non-est* in the eye of the law. Such a judgment, decree or order by the first Court or by the final Court has to be treated as nullity by every Court, superior or inferior. It can be challenged in any Court, at any time, in appeal, revision, writ or even in collateral proceedings.

22. A person who has secured public employment by practicing fraud or by deliberate misrepresentation cannot claim any equity in his favour. An appointment obtained by suppression of material facts, misrepresentation or non-disclosure does not create any enforceable right in favour of the appointee. The Hon’ble Supreme Court in the cases of *Union of India v. M. Bhaskaran*, 1995 Supp (4) SCC 100, and *A.P. Public Service Commission*

v. Koneti Venkateswarulu, (2005) 7 SCC 177, has categorically held that a person who enters service by playing fraud cannot be allowed to continue even for a day and that the consequential termination or removal is not punitive but merely a declaration that no valid appointment ever came into existence.

23. In the case of *S.P. Chengalvaraya Naidu v. Jagannath, (1994) 1 SCC 1*, the Hon'ble Supreme Court categorically held that a judgment or decree obtained by fraud is a nullity and can be questioned in any proceedings at any time. Similarly, in the case of *A.V. Papayya Sastry v. Govt. of A.P., (2007) 4 SCC 221*, it was observed that once it is shown that a party has procured an order by fraud, such order stands automatically annulled and no separate declaration is required.

24. Expanding the principle propounded by the Hon'ble Apex Court to the realm of public employment, the suppression of material information, the submission of false documents or the manipulation of receipt registers goes to the very root of the matter. If the foundational act in this case, the timely and honest submission of the application form is tainted by forgery and backdating, the entire structure of the appointment collapses.

25. As rightly contended by the Ld. Counsel for respondents, a candidate who secures entry through tainted or forged official records has no vested right to hold public office. The petitioner cannot be permitted to approbate and reprobate. He cannot submit an application supported by backdated register

entries and then take the equitable defense that the forged document was unnecessary for his overall merit score. Fraud is not quantified by its necessity; it is defined by its deceit. The manipulation of the Gram Panchayat register to bypass the statutory cut-off date vitiates the petitioner's appointment *ab initio*.

26. This Court finds no jurisdictional error, procedural irregularity or perversity in the impugned orders dated 15.11.2012, 04.02.2012 and 17.02.2011. The Collector, Satna, has acted entirely within the four corners of the law and the specific remand directions issued by this Court. The extraordinary, discretionary and equitable jurisdiction under Article 226 of the Constitution of India is not meant to come to the aid of a litigant whose claim is founded on manipulated public records. Equity demands clean hands, which are visibly absent in the present factual matrix.

27. Consequently, the Writ Petition is found to be devoid of any merit and is hereby **dismissed**.

28. There shall be no order as to costs.

(VIVEK KUMAR SINGH)
JUDGE