



A.F.R.

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 10079 of 2022

Vivek Kumar

.....Petitioner(s)

Versus

State of U.P. and 6 others

.....Respondent(s)

Counsel for Petitioner(s)	: Rajan Kumar Pal, Upendra Kumar
Counsel for Respondent(s)	: C.S.C., Vikram Bahadur Singh

Along with :-

1. Writ - A No. 10082 of 2022 (Ravindra Singh vs. State of U.P. and 6 others)
2. Writ - A No. 10093 of 2022 (Ajay Pratap Singh vs. State of U.P. and 6 others)
3. Writ - A No. 10127 of 2022 (Premlata vs State of U.P. and 6 others)
4. Writ - A No. 10128 of 2022 (Anupam Yadav vs. State of U.P. and 6 others)

Court No. - 52

HON'BLE MRS. MANJU RANI CHAUHAN, J.

1. The aforesaid petitions are being heard and decided together, as they arise from the same controversy and involve common questions of fact and law, which may conveniently be adjudicated by a common judgment.

2. Heard Mr. Upendra Kumar, learned counsel for the petitioners, Mr. Shailendra Singh, learned Standing Counsel for the State-respondents and Mr. Hare Ram, learned counsel for the respondent-BSA and perused the records.

3. These writ petitions have been filed challenging the impugned termination order dated 13.06.2022 passed by the respondent no.4, District Basic Education Officer, Etawah as well as further prayer to

restrain the respondents from any recovery from the petitioners on the basis of the impugned order dated 13.06.2022 as well as further prayer to direct the respondents to allow the petitioners to work as Assistant Teacher in the concerned institution and pay them salary as admissible under the law along with other consequential dues.

4. Learned counsel for the petitioners submits that in Writ - A No. 10128 of 2022 (Anupam Yadav vs. State of U.P. and 6 others), the petitioner-Anupam Yadav has expired.

5. The petitioners in the aforesaid writ petitions were appointed as Assistant Teachers after having appeared in the Uttar Pradesh Teachers Eligibility Test (TET) 2013, and having been found eligible and qualified for such appointment. Pursuant to their respective appointment orders, they joined and commenced discharging their duties as Assistant Teachers in upper-primary sections of the concerned basic schools. Subsequent to their appointment and joining, their educational and other requisite documents were duly verified from the respective examining Boards and were found to be genuine. The petitioners were, accordingly, permitted to continue in service and were paid salary in accordance with law.

6. Subsequently, the State Government issued Government Order dated 20.07.2018 directing an inquiry into appointments made after the year 2010 in primary schools of all districts of the State, except Agra, Aligarh, Firozabad, Hathras, Moradabad and Hardoi. In pursuance thereof, a district-level three-member committee was constituted under the chairmanship of the Additional District Magistrate of the concerned districts.

7. The committee undertook verification of the petitioners' TET-2013 credentials through the online records available with the competent authority. Upon such verification, it was allegedly found that no particulars corresponding to the roll numbers mentioned in the respective TET certificates were available in the online records. In the case of

Vivek Kumar, the petitioner in Writ-A No. 10079 of 2022, the committee recorded that the roll number 0521303622 attributed to him in the TET-2013 certificate was not traceable in the relevant records.

8. On the basis of the aforesaid report, the District Basic Education Officer issued a show-cause notice to the petitioner, alleging that his TET-2013 certificate was forged and calling upon him to explain the discrepancy. The petitioner submitted a detailed reply, specifically asserting the genuineness and validity of his TET certificate and furnishing an explanation with regard to the alleged discrepancy. However, without assigning any cogent or discernible reason, the petitioner's salary was thereafter stopped by order dated 28.10.2020.

9. Likewise, in the cases of Ajay Pratap Singh (Writ-A No. 10093 of 2022), Prem Lata (Writ-A No. 10127 of 2022), Anupam Yadav (Writ-A No. 10128 of 2022), and Ravinder Singh (Writ-A No. 10082 of 2022), and the respective TET-2013 credentials were subjected to verification. Upon verification of the roll numbers attributed to the respective petitioners, namely, 5810201961 (Ajay Pratap Singh), 0510802517 (Prem Lata), 5103027776 (Anupam Yadav) and 05103027187 (Ravinder Singh), no corresponding particulars of the petitioners were found in the relevant records.

10. Show-cause notices were thereafter issued to the petitioners, to which they submitted detailed replies, categorically asserting the genuineness of their TET certificates and explaining the alleged discrepancies. However, the competent authority, not being satisfied with the explanations furnished, proceeded to pass the impugned orders. Prior thereto, by order dated 28.10.2020, payment of salary to the petitioners had already been stopped.

11. The petitioners thereafter requested offline verification of their TET certificates. Pursuant thereto, the Secretary, Examination Regulatory Authority, addressed a communication dated 24.03.2022 to all the District Basic Education Officers in the State of Uttar Pradesh regarding

offline verification of certificates relating to the TET examinations conducted in the years 2013 to 2018 and the BTC training examinations conducted during the years 2011 to 2015. The said communication, however, stipulated that, since the results of the aforesaid examinations were available on the official website, online verification was required to be undertaken in the first instance and, in case any discrepancy or error was noticed, the matter was to be referred to the Board for appropriate verification.

12. It has been submitted on behalf of the petitioners that their certificates had, in fact, been verified earlier by the concerned District Basic Education Officer on 05.08.2021 and were found to be genuine, whereafter the petitioners had continued to discharge their duties and were paid salary. Learned counsel for the petitioners has, therefore, contended that the subsequent allegation that the very same certificates were forged, raised several years after their appointment, is wholly incongruous, particularly when there is no material on record to indicate that the petitioners had practiced any fraud, misrepresentation or deception either at the time of their appointment or at any subsequent stage.

13. It is further submitted that, notwithstanding the detailed replies furnished by the petitioners and the material placed by them in support of the genuineness of their certificates, the competent authority proceeded to pass the impugned orders without properly considering or dealing with the explanation so furnished. According to the petitioners, the termination of their services, in the absence of any finding of fraud or misrepresentation attributable to them and without conclusively establishing the alleged falsity of their TET certificates through the prescribed verification process, is consequently unsustainable in law.

14. Learned counsel for the petitioners has also placed reliance upon certain interim orders passed by this Court in similarly situated matters in support of the petitioners' case. It is further contended that, prior to passing the impugned orders terminating their services, the petitioners

were neither afforded an effective opportunity of hearing nor subjected to any regular departmental inquiry. The impugned orders, therefore, are assailed as having been passed in breach of the principles of natural justice and in an arbitrary exercise of administrative power.

15. The principal submission advanced on behalf of the petitioners is that there is neither any allegation nor any material establishing fraud, misrepresentation or concealment on their part in obtaining appointment. Having been appointed on the basis of their TET-2013 certificates and having rendered several years of satisfactory service, during which their credentials had also been verified and salary was paid to them, the petitioners could not, it is urged, have been visited with the drastic consequence of termination merely on the basis of a subsequent discrepancy noticed in the online records, particularly without affording them a meaningful opportunity to establish the genuineness of their certificates. The impugned orders, according to learned counsel, are thus vitiated by violation of natural justice, absence of proper inquiry and failure to establish any fraud or misrepresentation attributable to the petitioners. Therefore the impugned order is liable to be set aside.

16. Per contra, learned counsel appearing for the respondents submits that the petitioners' certificates relating to the U.P. TET Examination, 2013-14, were duly verified from the official website of the prescribed authority, namely, the Examination Regulatory Authority, Uttar Pradesh. Upon such verification, no corresponding information or record relating to the petitioners' certificates or results was found available on the website. The same discrepancy was also noticed by the three-member district-level committee constituted for the purpose of verification.

17. It is, therefore, contended that, in view of the absence of any corresponding record of the petitioners' TET results in the official database, payment of salary was rightly stopped. Learned counsel further submits that the petitioners have failed to produce any authentic or contemporaneous record from the competent authority establishing the genuineness of the certificates relied upon by them for securing

appointment. It is argued that, in compliance with the directions issued by the Examination Controller, the verification was undertaken on the basis of the records available online on the official website, where no result corresponding to the petitioners was found. Consequently, the certificates produced by the petitioners could not be treated as genuine, and their continuation in service on the strength thereof was wholly untenable.

18. Learned counsel for the respondents further submits that the protection of an opportunity of hearing or the requirement of a regular departmental inquiry cannot be invoked to sustain an appointment founded upon fraud or a forged educational qualification. It is contended that, where the very basis of appointment is demonstrably fraudulent or the requisite qualification is found to be non-existent, no useful purpose would be served by undertaking a regular disciplinary inquiry, and the principles of natural justice cannot be permitted to operate as a shield for perpetuating a fraud. The impugned action, according to learned counsel, is thus consistent with the settled principles governing appointments obtained on the strength of fraudulent or fabricated credentials.

19. After hearing learned counsel for the parties and upon perusal of the record, it is evident that the controversy involved in the present petitions is not *res integra*. This Court has already considered an identical issue in **Amar Singh and another vs. State of U.P. and 4 Others, Writ-A No. 9461 of 2019, decided on 28.07.2026**, wherein the writ petition was dismissed upon finding that the TET certificates of the petitioners, having been duly verified by the competent authority, were forged.

20. A similar controversy subsequently arose in the case of **Rajvir Singh vs. State of U.P. and 4 Others, Writ-A No.17134 of 2024**, wherein the TET certificate relied upon by the petitioner was also found to be forged, and this Court, by order dated 13.11.2024, dismissed the writ petition. The said judgment was carried in **Special Appeal No. 663 of 2025, Rajvir Singh vs. State of U.P. and others**, which also came to be

dismissed. While dismissing the special appeal, the Division Bench passed the following order:-

1. Heard Sri Saroj Kumar Yadav, Sri Bharat Singh Pal and Sri Vikram Bahadur Singh, learned counsel for the original petitioners/appellants, Sri Arimardan Singh Rajpoot, learned Additional Chief Standing Counsel for the State respondents, Sri Hare Ram along with Sri Yatindra, learned counsel for the respondent Nos. 4 & 5 and perused the record.
2. In compliance to the last order, Sri Bhagwati Singh, the Secretary, Secondary Education Board is present in the Court today alongwith the record called for.
3. We have perused the record and heard learned counsel for the parties.
4. It transpires, the three appellants, namely, Rajveer Singh, Sohan Pal and Dileep Singh, claim to have appeared at the TET 2011 examination against Roll Nos.06032161, 02041611 and 080166311, respectively. All the original petitioners, who are appellants, claim to have been declared successful at that examination. They also participated in the counseling and secured appointments. Later, it was discovered, the claim made by the individual original petitioners/appellants was based on forged/fabricated documents, inasmuch as no record could be found to establish that the original petitioners had been assigned the roll numbers claimed by them.
5. In such facts, the writ petition filed by the individual petitioners, have been dismissed by separate orders passed by the learned Single Judge.
6. In the present sets of appeals, it has been stressed, the original petitioners had participated in the examination, but that proper verification was not done as would have established the fact of their participating in the examination and being successful at that.
7. In such facts, the intra-court appeals have been entertained. On 22.01.2026, we had passed the below-quoted order:

"1. In compliance with the last order, Sri Arimardan Singh Rajput has produced a document described as printout of the result dated 25.11.2011 of TET 2011 bearing TR No.04 and M-06 pertaining to Roll No.06020203 to 06045703. We note, the same runs into many pages (not numbered). The first roll number in this record is '06020203' and the last roll number is '06045703'. At the same time, on a plain perusal of the said record, it transpires, the same is a computer printout, not certified, not dated or verified and not signed by any officer/public official.

2. On the contrary, the words "Data source: UP TET Results dated 10-01-2012 from Director Basics Letter Number ? dated 06-01-2015" are clearly printed at the foot of each page of the said record.

3. To the extent, the roll number description does not begin from 01, it casts a doubt if copy of the entire record has been produced. Second, in any case, the documents produced today cannot be construed to be original record inasmuch as they are not verified/certified and not signed by any competent authority. Third, the documents appear to be a printout taken from a Compact Disc, that has neither been produced and with respect to that it has not been disclosed if the data on the same is duly certified in accordance with the law.

4. On query made, learned Additional Chief Standing Counsel informs that the above-described documents have been produced by Sri Chetan Tripathi, Deputy Secretary of the UP Intermediate Education Board. He is also present in Court, today. Prima facie, we are not satisfied that the earlier order has been complied with.

5. On the request of learned Additional Chief Standing Counsel, one indulgence has been granted to Sri Bhagwati Singh, the Secretary of the UP Intermediate Education Board to rectify the mistake.
6. Accordingly, list again on the 29.01.2026.
7. On that date, Sri Bhagwati Singh, the Secretary of the UP Intermediate Education Board, shall remain present in Court alongwith his personal affidavit and the entire record pertaining to UPTET 2011 as may establish when, in what manner and which roll numbers were assigned at that examination together with names and result, thereafter.
8. Sri Bhagwati Singh shall also file his personal affidavit to explain why correct facts were not brought before this Court, today. His affidavit shall also explain how the Board has reached a satisfaction that the printout of the documents produced today satisfy the requirement of record, to the extent the same is not signed and not certified to be the record. Also, he may explain what "TR No.04" and "M-06" pertain to considering it only relates to Roll Nos.06020203 to 06045703 described on the cover of the document produced today. If there are any other registers/records, the same may also be produced on that date. "
8. Today, the Secretary of the UP Secondary Education Board has produced Tabulation Registers (TRs)-Four volumes of Tabulation Registers (TRs) pertaining to Bareilly Division; four volumes of Tabulation Registers (TRs) pertaining to Saharanpur Division and six volumes of Tabulation Registers (TRs) pertaining to Faizabad Division. It has also been apprised that the TET 2011 was conducted over 18 divisions. The total number of Tabulation Registers (TRs) are 187.
9. As to the authenticity of these Registers, it has been pointed out, owing to allegations of widespread irregularities in the conduct of TET 2011, a criminal case had been registered. Later, the investigation was handed over to a Special Investigation Team (SIT). The SIT took away all original documents pertaining to the conduct of the TET 2011 examination. For the purposes of declaration of the result as was finalized by the UP Secondary Education Board, the SIT had made available to the Board a secured Compact Disc (CD). That Compact Disc was read and TRs prepared accordingly.
10. On one hand, the original material is lying with the SIT and/or the criminal court dealing with the criminal prosecution proceedings and on the other arising from the declaration of result made by the Board on the strength of data made available on Compact Disc by the SIT, 72,000 vacancies of Assistant Teachers were filled up. That litigation has long attained finality.
11. In any case, no direct challenge exists to the declaration of the result made by the UP Secondary Education Board on the strength of material made available to it by the SIT. Almost 14 years have passed since the conduct of the examination. The result itself was declared on 25.11.2011. It is too late in the day to entertain the possibility of any challenge to the result so declared, which has long been given effect.
12. As to the grievance of the present original petitioners, we have perused the relevant Tabulation Registers (TRs) and note that there does not exist any description of the petitioner, Rajveer Singh, against Roll No.06032161. In fact, the result of that roll number, whether 'PASS' or 'FAIL', is not included in the relevant TRs. Further, it may be noted, the short counter-affidavit filed on behalf of the Board-respondent No.4, it has been disclosed, while seeking registration for counseling, the original petitioner-Rajveer Singh, disclosed his TET certificate number as 'No.3160969'. However, at the stage of Document Verification, he produced a certificate bearing 'No.3160902'. Clearly, the

original petitioner relied on two different documents, one for the purpose of registration and the other for Document Verification.

13. Insofar as the other two petitioners, namely, Sohan Pal and Dileep Singh, are concerned, their individual Roll Nos.02041611 and 080166311, respectively, fall beyond the last roll number assigned by the Board for the Saharanpur and Faizabad Divisions, respectively. For Saharanpur Division, the last roll number assigned appears to be 'No.02034522' and for Faizabad Division, the last roll number assigned appears to be 'No.08065358'.

14. No material exists other than the general doubt expressed by the petitioners at this late stage. There is no credible material shown to the Court as may indicate any of the petitioners had actually participated in the TET 2011 examination. Neither their Admit Cards nor any copy of their application forms has been produced.

15. At this stage, we offered to get the original certificates being relied by the individual petitioners to be examined by Government Examiner of Disputed Documents (GEQD), to ascertain if the signatures of then Secretary of the Board on the individual certificates are genuine.

16. After giving it a thought, learned counsel for the original petitioners state in unison-that quietus be reached. They do not wish to press further.

17. In view of the above, without making any further observations as may affect future prospects of the individual petitioners, we allow these intra-Court appeals to be dismissed without entering into the merits. Accordingly, the instant appeals stand dismissed.

18. Also, in view of the above, it is provided, if any recovery is to be made for any amount, first the role of the State functionaries, who verified such Certificates and allowed for such occurrence may be examined and accountability fixed on all, who may be guilty.

21. The Special Bench offered to have the original certificates relied upon by the individual petitioners examined by the Government Examiner of Questioned Documents, so as to ascertain whether the signatures of the then Secretary of the Board appearing on the respective certificates were genuine. Upon due consideration, learned counsel appearing for the original petitioners, in unison, stated that the matter be given a quietus and that they did not wish to pursue the proceedings any further.

22. The aforesaid course adopted by the petitioners assumes significance. Despite being afforded an opportunity to have the original certificates subjected to examination by the competent Government Examiner of Questioned Documents, the petitioners chose not to avail themselves of the same and instead elected to withdraw from further

contest. The respondents, therefore, submit that the petitioners' reluctance to subject the certificates to such verification lends substantial credence to the finding that the certificates relied upon by them were not genuine.

23. The aforesaid legal position finds resonance in the decisions rendered by this Court, including **Nevtej Kumar Singh v. State of U.P. and 3 others**, Writ-A No. 10716 of 2021, decided on 05.08.2025; **Kamlesh Kumar Nirankari v. State of U.P. and 2 others**, Writ-A No. 20140 of 2023, decided on 25.08.2025; **Garima Singh v. State of U.P. and others**, Writ-A No. 19634 of 2025, decided on 22.01.2026; and **Vinit Kumar v. State of U.P. and others**, Writ-A No.142 of 2026, decided on 12.05.2026, wherein this Court has examined, in varying factual contexts, the legal consequences flowing from appointments founded upon forged or fraudulent credentials. The consistent thread running through these authorities is that where the foundational document securing public employment is demonstrably forged or fraudulently procured, the appointment is rendered void ab initio and cannot be sanctified by length of service, while the requirement of a full-fledged departmental enquiry cannot be mechanically invoked to sustain an appointment which itself has no lawful foundation. At the same time, where forgery or fraud is not conclusively established and the material merely discloses a discrepancy requiring factual verification, the competent authority must undertake a meaningful and legally sustainable determination before visiting the incumbent with the drastic consequence of termination.

24. The legal position, as crystallised by the Hon'ble Supreme Court and consistently applied by this Court, is that where an appointment is secured by practising fraud, suppressing material facts, or producing forged, fabricated or otherwise non-genuine credentials constituting the very foundation of eligibility, such appointment is void ab initio and confers no enforceable right upon the incumbent. In such circumstances, the cancellation of appointment does not partake of the character of a

punitive termination of a duly and validly appointed employee, but merely records the legal consequence that no valid appointment ever came into existence; consequently, the elaborate safeguards attendant upon a disciplinary proceeding, including a regular departmental enquiry under the applicable service rules, cannot be mechanically invoked. In **R. Vishwanatha Pillai v. State of Kerala and Others**, (2004) 2 SCC 105, **Union of India v. M. Bhaskaran**, 1995 Supp (4) SCC 100, **Vice-Chairman, Kendriya Vidyalaya Sangathan and another vs. Girdharilal Yadav**, (2004) 6 SCC 325, and **District Collector & Chairman, Vizianagaram Social Welfare Residential School Society, Vizianagaram and Another v. M. Tripura Sundari Devi**, (1990) 3 SCC 655, the Apex Court has affirmed that fraud vitiates the very foundation of an appointment and that an incumbent cannot derive a right or equity from an appointment procured through false credentials. The same principle has been authoritatively applied by this Court in **Kamlesh Kumar Nirankari (supra)**, wherein, after examining the plea of violation of natural justice and absence of a regular departmental enquiry, this Court held that once it is established that the very entry into service was vitiated by fraud, there is no termination in the strict sense but only a declaration that no valid appointment ever existed; consequently, the requirement of an elaborate disciplinary enquiry has no application. The Court further held that an appointment obtained on the strength of forged educational documents is void ab initio and that proceedings under Article 311 of the Constitution or the applicable disciplinary rules are not attracted. The principle has thereafter been reiterated by this Court, including in **Smt. Jaglaxmi Pandey v. State of U.P. and others**, **Writ-A No.19251 of 2025, decided on 09.01.2026**, where it has been recognised that an appointment obtained through fraud or misrepresentation confers no right upon the appointee and that, once such fraud stands established on the basis of cogent material, the plea of absence of a prior opportunity of hearing cannot be employed to perpetuate an appointment having no lawful foundation. Thus, the determinative consideration is not the length of service rendered pursuant to such appointment, nor the

nomenclature assigned to the consequential order, but whether the respondents have satisfactorily and objectively established that the credential on which the appointment rests was forged or fraudulently procured; once that foundational fact is conclusively established, neither the doctrine of natural justice nor the requirement of a regular departmental enquiry can be invoked to resuscitate an appointment which was void from its inception.

25. As regards the necessity of conducting a regular departmental enquiry under the Uttar Pradesh Government Servant (Discipline and Appeal) Rules, 1999, the issue is no longer res integra. The consistent judicial position is that where, upon an objective verification by the competent authority, the very credentials constituting the foundation of appointment are found to be forged, fabricated or non-genuine, the appointment itself stands vitiated and is void ab initio; consequently, the disciplinary machinery ordinarily attracted for terminating a validly constituted service relationship cannot be invoked as a matter of course to perpetuate an appointment which never acquired lawful existence. In **District Basic Education Officer and another v. Smt. Punita Singh and 3 others, Special Appeal Defective No. 506 of 2024, decided on 15.10.2024; Neutral Citation; 2024:AHC-LKO:69392-DB**, the Division Bench, after considering the applicability of the 1999 Rules, categorically held that where the educational documents relied upon for securing appointment were conclusively found to be forged and fabricated, issuance of a show-cause notice and observance of the broad principles of natural justice were sufficient and a regular departmental enquiry under the 1999 Rules was not imperative. The said principle has subsequently been followed in **Smt. Sudesh Kumari v. State of U.P. and 4 others, Writ-A No.17767 of 2014; decided on 06.12.2024**, wherein this Court, after noticing Punita Singh (supra), held that where forgery stood established on the applicable evidentiary standard and the principles of natural justice had been duly complied with, a regular departmental enquiry was not required. The same principle has been reiterated in **Vikrant Sengar v. State of U.P. and others, Writ-A No.17732 of 2022**,

decided on 04.07.2025, wherein, following Punita Singh (supra), this Court held that the disciplinary rules would not apply where, upon fact-finding, the appointment was found to have been procured by fraud, provided the incumbent is afforded an opportunity to explain the material relied upon against him. The proposition has further received authoritative expression in **Satyaveer Singh v. State of U.P. and others**, Writ-A No.48129 of 2017, decided on 12.09.2025, wherein this Court held that an appointment secured on the strength of a forged marksheet, certificate or appointment letter is illegal and void ab initio and, consequently, proceedings under Article 311 of the Constitution or the disciplinary rules, including the U.P. Government Servant (Discipline and Appeal) Rules, 1999, do not arise. More recently, in **Preeti Jaiswal v. State of Uttar Pradesh and others**, Writ-A No.11875 of 2025, decided on 03.04.2026, this Court has reiterated that no detailed departmental enquiry or prior opportunity of hearing is mandatorily required where the appointment is founded upon forged or non-genuine documents and the fraud stands substantiated by objective material on record. The governing principle, therefore, is that the 1999 Rules regulate the disciplinary consequences of misconduct committed by a person holding a legally valid appointment; they cannot be invoked to confer procedural sanctity upon an appointment which, having been procured through established fraud or forged credentials, was void from its inception. The determinative prerequisite, however, remains that the foundational fraud or forgery must itself stand established on cogent and objective material, and cannot be inferred merely from an unexplained discrepancy or an inconclusive verification.

26. It is equally well settled that length of service, however substantial, cannot generate an equity in favour of an incumbent whose very entry into public service is founded upon a forged, fabricated or fraudulently procured certificate. In **R. Vishwanatha Pillai v. State of Kerala and others**, (2004) 2 SCC 105, the Supreme Court emphatically held that an appointment obtained by practising fraud is void and non est from its inception and that even long continuance in service cannot confer any

legally enforceable right, equity or entitlement to consequential service benefits; the Court expressly rejected the plea founded upon 27 years of service and held that “equity or compassion cannot be allowed to bend the arms of law” where an individual has acquired status by practising fraud. The same principle has been consistently applied by this Court, including in cases concerning forged TET certificates, wherein it has been held that fraudulent entry into public employment cannot be legitimised by the mere passage of time and that continued service founded upon a forged credential creates neither an estoppel against the State nor any equitable right in favour of the incumbent. In **Malti Devi v. State of U.P. and others, Writ-C No.4812 of 2021, decided on 31.08.2021**, this Court further held, in the specific context of a forged TET certificate, that procurement of public employment through a fabricated credential constitutes misrepresentation and fraud upon the employer and consequently creates no equity capable of invoking the discretionary jurisdiction of the Court. The principle admits of no ambiguity: fraudulent entry cannot, by efflux of time, metamorphose into a lawful appointment; nor can years of service transmute a nullity into a right. Once the foundational fraud is conclusively established, neither longevity of service, nor the plea of satisfactory discharge of duties, nor considerations of sympathy or equity can operate to sustain an appointment which was void ab initio.

28. In the present case, the petitioners were admittedly afforded a specific and effective opportunity to explain the alleged discrepancy in their TET certificates. Show-cause notices were duly served upon them, to which they submitted detailed replies; they were also afforded sufficient opportunity to produce the original certificates or any other contemporaneous material capable of establishing the genuineness and authenticity of the certificates relied upon for securing appointment. The certificates were thereafter subjected to verification by the competent authorities and were found to be non-genuine. In these circumstances, the contention that the petitioners' services could not have been brought to an end without a regular departmental enquiry under the Uttar Pradesh

Government Servant (Discipline and Appeal) Rules, 1999, cannot be accepted. The Division Bench decision in **District Basic Education Officer and another v. Smt. Punita Singh and others, Special Appeal Defective No. 506 of 2024, decided on 15.10.2024**, squarely recognises that where the very foundation of appointment is found to be founded upon forged or fabricated credentials, issuance of a show-cause notice and compliance with the broad principles of natural justice sufficiently meet the requirements of law and a regular departmental enquiry under the Rules of 1999 is not indispensable. The rationale is founded upon the elementary principle that fraud vitiates every solemn act and that an appointment resting upon a forged credential, once conclusively established as such, is void ab initio and cannot be permitted to acquire legitimacy merely by the passage of time. The petitioners, having been afforded a meaningful opportunity to substantiate the genuineness of the certificates and having failed to displace the competent authority's verification, cannot now invoke the procedural requirements applicable to a validly constituted service relationship so as to perpetuate an appointment whose foundational eligibility itself stands extinguished. The impugned order dated 13.06.2022, therefore, suffer from no infirmity warranting interference under Article 226 of the Constitution.

29. For the foregoing reasons, and in view of the settled legal position noticed hereinabove, the writ petitions are devoid of merit and are, accordingly, **dismissed**.

(Mrs. Manju Rani Chauhan,J.)

September 02, 2026

Jitendra/-