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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-591-LPA-2025 in/and
LPA-446-2021 (O&M)
Date of Decision : 01.09.2026

MANJIT KAUR Appellant
VERSUS

STATE OF PUNJAB AND OTHERS Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE MINDERJEET YADAV

Present: Mr. Krishan Singh Dadwal, Advocate
for the applicant-appellant.

Mr. Swapan Shorey, DAG Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

CM-591-LPA-2025

Present application has been filed for placing on record photocopy of B.Ed Certificate date 09.01.2024 as Annexure A-2 along with exemption from filing certified copy of the same.

Keeping in view the contents mentioned in the application, the same is allowed.

Annexure A-2 is taken on record, subject to all just exceptions.

LPA-446-2021 (O&M)

1. In the present appeal, challenge is to the impugned order dated 25.03.2021 passed by the learned Single Judge in CWP No.7077 of 2021

titled as “*Manjit Kaur vs. State of Punjab and ors.*” by which, the writ petition filed by the petitioner therein challenging the order of dismissing her from service, has been dismissed.

2. Certain facts may be mentioned for the correct appreciation of the issue in hand.

3. The post of ETT Teacher was advertised by the respondent-State with certain eligibility conditions that were required to be fulfilled to compete for the post in question.

4. The appellant competed for the said post by showing her eligibility on the basis of a 02-year Diploma in Elementary Education from Bihar Pradesh Shiksha Parishad, Shripalpur. On the basis of the said Diploma, she competed for the said post and was selected and joined on 29.12.2006.

5. While working on the said post, it came to the knowledge of the employer-State of Punjab that the qualification on the basis of which the appellant claimed eligibility was bogus, as the institute from where such qualification was stated to have been obtained, was not even in existence.

6. After conducting an inquiry and after serving due chargesheet to the appellant, the allegation was proved that the essential qualification, which was required to be eligible for competing for the post of ETT Teacher, i.e. 02-year Diploma in Elementary Education, was forged/bogus, as the same was stated to have been obtained from an institute which never existed.

7. On the basis of the said departmental inquiry when the allegations came to be proved, during which proceedings due opportunity

was given to the appellant to defend herself and ultimately, an order came to be passed by the Department on 17.03.2021, removing the appellant from service. The said order was assailed by the appellant before the learned Single Judge by filing CWP No. 7077 of 2021, which came to be dismissed on 25.03.2021, wherein a finding has been recorded that the Diploma on the basis of which the appellant competed was fake/bogus, as the institute from which the Diploma is stated to have been obtained was never in existence.

8. Learned counsel appearing on behalf of the appellant submits that once there is 14 years of service and the Diploma obtained by the appellant was through a genuine process, merely because the institute did not exist, it will not render the appointment illegal. Hence, the benefit of continuous service should have been given to the appellant so as to allow her to continue in service till the age of superannuation.

9. The further argument has been raised that after the termination of the services as well as the dismissal of the writ petition, the appellant again got admission to the B.Ed. Degree course and got B.Ed. Degree and the same should be treated as a valid qualification to validate the appointment of the appellant, keeping in view the settled principle of law laid down by the Division Bench of this Court in CWP No. 16320 of 1996, titled “***Ram Bhagat Sharma vs. State of Haryana***”, decided on 16.05.1997, as well as the judgment of the Division Bench of this Court in CWP No. 8218-CAT of 2013, titled “***Pafna vs. Home-cum-Education Secretary, Chandigarh and another***”, decided on 18.11.2013, so as to allow such employee to continue in service if, during the pendency of the litigation, the requisite qualification of B.Ed. Degree from a recognised University was

obtained. Hence, keeping in view the settled principle of law, as the appellant has also now obtained the B.Ed. Degree on 09.01.2024, her dismissal from service dated 17.03.2021 may kindly be declared illegal.

10. Learned counsel for the respondent-State submits that the present case is covered by the decision of the learned Single Judge in CWP No. 16766 of 2011, titled as *“Tejinder Singh vs. State of Punjab and ors.”*, decided on 20.01.2014, wherein the qualification purported to have been obtained from the same institute was considered and the dismissal from service was upheld, whereafter an appeal preferred thereagainst, being LPA No. 1224 of 2014, was withdrawn and the said appellant was also represented by the same counsel who is representing the appellant herein.

11. We have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

12. It may be noticed that certain facts are conceded before this Court, and one of the relevant facts is that the institution from which the essential qualification needed, is to compete for the post of ETT Teacher does not exist.

13. Once the said institute which awarded a qualification, does not exist, how could a Diploma be issued by such an institute, which Diploma was purportedly used by the appellant not only to gain eligibility to compete for the post but also to get selected.

14. The Diploma possessed is fake, having been issued by a non-existing institute, which fact has gone conceded even before this Court in the present appeal.

15. Learned counsel for the appellant has argued that the length of service of 14 years without blemish should come to the rescue of such an appointee, even if the qualification needed to prove eligibility was fake. Hence, the benefit of such service should be granted, and the order passed by the learned Single Judge dated 25.03.2021, ignoring the 14 years of service of the appellant, is incorrect.

16. Qua the said argument of the learned counsel for the appellant, reliance can be placed upon the judgment of the Hon'ble Supreme Court of India in ***“Regional Manager, Central Bank of India versus Madhulika Guruprasad Dahir and ors, AIR 2008 SC 3266***, wherein it has been held that any public appointment gained on the basis of fake documents cannot be allowed to continue merely on the ground that such illegal appointment continued for a period of 14 years.. The relevant paragraph Nos.13 to 15 of the said judgment is as under:-

“13. Similarly, the plea regarding rendering of services for a long period has been considered and rejected in a series of decisions of this Court and we deem it unnecessary to launch on exhaustive dissertation on principles in this context. It would suffice to state that except in a few decisions, where the admission/appointment was not cancelled because of peculiar factual matrix obtaining therein, the consensus of judicial opinion is that equity, sympathy or generosity has no place where the original appointment rests on a false caste certificate. A person who enters the service by producing a false caste certificate and obtains appointment for the post meant for a Scheduled Caste or Scheduled Tribe or OBC, as the case may be, deprives a genuine candidate falling in either of the said categories, of appointment to that post, does not deserve any sympathy or indulgence of this Court. He who comes to the Court with a claim based on falsity and deception cannot plead equity nor the Court

would be justified to exercise equity jurisdiction in his favour. An act of deliberate deception with a design to secure something, which is otherwise not due, tantamounts to fraud. Fraud is a conduct either by letter or words, which induces the other person or authority to take a definite determinative stand as a response to the conduct of the former either by words or letter. [See: R. Vishwanatha Pillai Vs. State of Kerala & Ors.⁶⁸ Bank of India (supra), Addl. General Manager (supra), Derry Vs. Peek⁷, Ram Preeti Yadav Vs. U.P. Board of High School and Intermediate Education & Ors.⁸ and Bhaurao Dagdu Paralkar Vs. State of Maharashtra & Ors.⁹]

14. In Ram Chandra Singh Vs. Savitri Devi & Ors.¹⁰, this Court had observed that fraud is anathema to all equitable principles and any affair tainted with fraud cannot be perpetuated or saved by the application of any equitable doctrine.

(2004) 2 SCC 105 (1889) 14 AC 337 (2003) 8 SCC 311 (2005) 7 SCC 605 (2003) 8 SCC 319

15. Recently, in State of Maharashtra & Ors. Vs. Ravi Prakash Babulalsing Parmar & Anr.¹¹, dealing with a similar situation, this Court has observed thus:

"The makers of the Constitution laid emphasis on equality amongst citizens. The Constitution of India provides for protective discrimination and reservation so as to enable the disadvantaged group to come on the same platform as that of the forward community. If and when a person takes an undue advantage of the said beneficent provision of the Constitution by obtaining the benefits of reservation and other benefits provided under the Presidential Order although he is not entitled thereto, he not only plays a fraud on the society but in effect and substance plays a fraud on the Constitution. When, therefore, a certificate is granted to a person who is not otherwise entitled thereto, it is entirely incorrect to contend that the State shall be helpless spectator in the matter."

17. The further argument raised by learned counsel for the appellant is that once the Degree was found to be fake, due opportunity ought to be given to the appellant to acquire the requisite qualification in order to continue in service.

18. It may be noticed that the issue with regard to whether an opportunity is to be given or not also depends upon the circumstances and the allegations which have been levelled against the employee concerned. In case a Degree is obtained from an institute which was in existence, though not recognised, making such award of qualification inconsequential qua the eligibility to be declared, it could be said that the employee concerned should be given another opportunity to obtain the qualification from a recognised institute. However, where a qualification which has been presented to show eligibility is from a non-existent institute and such qualification is fake/bogus, can such an employee, who has defrauded an institution and has taken away the seat of an eligible candidate who could have been appointed at that relevant time, be granted such kind of indulgence?

19. A candidate who has shown a Diploma from a non-existent institute cannot be given such indulgence so as to allow such candidate to continue in service.

20. Once an appointment was made on the basis of a fake/bogus Degree, the consequences have to be suffered irrespective of the length of service. Hence, the argument raised that another opportunity should have been given to the appellant to acquire the required qualification after the termination of her services by granting due time cannot be accepted in a case

where the Degree presented to show eligibility and the consequent appointment was from a fake institute which does not exist.

21. Further, the reliance is being placed by the learned counsel for the appellant upon the judgment of the Division Bench of this Court in ***Pafna's case (supra)***.

22. It may be noticed that the University from where ***Pafna*** had claimed to have been passed the eligibility qualification i.e. Maithili University, Darbhanga, was not recognised through the institution was in existence, thus Court relied upon the judgment in ***Ram Bhagat Sharma's case (supra)***. The relevant paragraph No.9 of the said judgment is as under:-

*“XXX.9. It may, thus, be seen that this Court or for that matter various other High Courts whose judgments have been referred to by the Tribunal, have outrightly rejected the reliance placed on the fake degrees or academic qualifications obtained by the candidates so as to secure public employment. There can indeed be no exception that unqualified and ineligible candidates who procure fake degrees for extraneous considerations must be shown the exit door. This Court in “***Ram Bhagat Sharma's case (supra)***, however, keeping in view the interest of the students' community as also of the fact that the candidates possession fake qualifications were in service for more than three years, permitted them to acquire eligibility qualification within the stipulated period, purely on humanitarian and equitable considerations.”*

23. A bare perusal of the above reproduction would show that the Division Bench, while reiterating the settled principle helded that unqualified and ineligible candidates who procure fake degrees for extraneous considerations must be shown the exit door, but granted an opportunity to the candidates therein to acquire the requisite eligibility qualification, keeping in view the peculiar facts and circumstances of that case. Thus, the benefit granted in the said case was based on the peculiar facts and circumstances therein wherein institution concerned was not

recognised but was in existence and cannot be treated as a general rule applicable to every case where the appointment has been secured on the basis of a fake/bogus qualification obtained from a non-existent institute.

24. Further, reliance is being placed upon Paragraph No.11 of the judgment of the Division Bench of this Court in ***Pafna's case (supra)***, which is as under:-

*“XXX...11. The contention raised by Mr. Sethi, counsel for the respondents that in case of **Sukhjinder Pal Kaur**, the University was ‘actually in existence’ but not in the case of the petitioner, does not impress us at all. The Division Bench in **Ram Bhagat Sharma’s case (supra)**, in no uncertain terms, held that the certificates issued by Hindi Sahitya Sammelan, Allahabad and Hindi Sahitya Sammelan, Prayag, Allahabad are fake, bogus and no exams are held. Where does then the question of existence of University arise? We are thus unable to understand as to how the Tribunal, on the basis of the same judgment of this Court in **Ram Bhagat Sharma’s case (supra)**, could adopt different yardstick in the case of the petitioner and that of Smt. **Sukhjinder Pal Kaur’s case**? There is, thus, lack of uniformity in the view formation by the learned Tribunal in the matters decided by it within a span of less than one month”*

25. It may be noticed that the contentions have been raised that the institutes were giving Degrees without holding examinations, but the same has only been dealt with by the Division Bench to hold that the said question was never proved, but the institutions were in existence. Hence, the observation made by the Division Bench in Paragraph No. 11 will not come to the rescue of the appellant, who has procured a fake Degree from a non-existing institute in order to seek eligibility and consequent appointment.

26. It may be noticed that showing compassion to an alleged ineligible candidate competing on the basis of a fake degree will be at the cost of an eligible candidate, who has been ousted by the appellant from being selected and has never been able to get an appointment, as the appellant was preferred on the basis of a fake degree.

27. At this stage, learned counsel for the appellant submits that the appellant has also obtained the B.Ed Degree from a recognised institution.

28. It may be noticed that any person who does not gain eligibility upto the last date of application form though get the same before the completion of the selection process, is not considered eligible and is ousted not being eligible for the post in question.

29. In the present case, the appellant is claiming that she has done B.Ed. Degree after dismissal of her writ petition. It may be noticed that Diploma was the required qualification and not B.Ed. The prescribed qualification for the post was a Diploma, which is entirely different from a B.Ed Degree, as the appellant was required to teach young students up to Class VI. Therefore, the subsequent acquisition of a B.Ed Degree cannot be a ground to set aside the order terminating the services of the appellant.

30. Even the subsequent acquisition of the B.Ed Degree will not come to the rescue of the appellant so as to confer upon her any right to claim continuance in service.

31. At this stage, learned counsel for the appellant submits that even during the enquiry, the appellant was not granted due opportunity of hearing to defend herself.

32. It may be noticed that the allegation against the appellant was that she had produced a Diploma from an institute which never existed, in order to establish her eligibility to compete for the post. The said allegation has been conceded even before this Court during the present appeal. Once the said proved allegation forms the basis of termination of the appellant and

stands conceded, it cannot be said that no opportunity was afforded to the appellant to defend herself. The principles of natural justice are to be considered keeping in view the facts and circumstances of the present appeal and cannot be applied in a straitjacket formula, even in the case of an employee who has obtained appointment by practising fraud upon the public authorities.

33. The order was dictated in open Court in the presence of the parties, and no further arguments were raised.

34. Keeping in view the totality of the circumstances, no ground is made out for any interference by this Court with the order impugned dated 25.03.2021 passed by the learned Single Judge in the present appeal. Accordingly, the present appeal is dismissed.

35. Pending application(s), if any, shall stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

01-09-2026
Sapna Goyal

(MINDERJEET YADAV)
JUDGE

NOTE: Whether speaking/ reasoned: YES
Whether reportable: NO