

CWP-18580-2016 and other connected matters

2025:PHHC:166086



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1. CWP-18580-2016

Sunil Kumar ...Petitioner
Versus

The Managing Director and others ...Respondents

2. CWP-20932-2016

Anil Kumar and others ...Petitioners
Versus

Dakshin Haryana Bijli Vitran Nigam (DHBVN) and others
...Respondents

3. CWP-20991-2016

Bir Singh and another ...Petitioners
Versus

Dakshin Haryana Bijli Vitran Nigam (DHBVN) and others
...Respondents

4. CWP-21446-2016

Hanuman and another ...Petitioners
Versus

Dakshin Haryana Bijli Vitran Nigam (DHBVN) and others
...Respondents

5. CWP-23390-2016

Rohit Yadav ...Petitioner
Versus

Dakshin Haryana Bijli Vitran Nigam and others
...Respondents

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6. CWP-23419-2016

Sandeep Kumar ...Petitioner

Versus

Dakshin Haryana Bijli Vitran Nigam and others

...Respondents

7. CWP-24157-2016

Satish Kumar ...Petitioner

Versus

State of Haryana and others ...Respondents

8 CWP-2642-2015

Satyabir Singh ...Petitioner

Versus

The Managing Director, DHBVN and others ...Respondents

9. CWP-4574-2015

Manmohar Singh ...Petitioner

Versus

Dakshin Haryana Bijli Vitran Nigam and others

...Respondents

10. CWP-5145-2015

Anoop Kumar ...Petitioner

Versus

Managing Director, Dakshin Haryana Bijli Vitran Nigam and others

...Respondents

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11. CWP-5364-2017

Ravinder Singh Yadav ...Petitioner
Versus

Dakshin Haryana Bijli Vitran Nigam and others

...Respondents

12. CWP-6624-2013

Sunder Singh and others ...Petitioners
Versus

Dakshin Haryana Bijli Vitran Nigam (DHBVN) and others

...Respondents

13. CWP-8395-2013

Bhupender Kumar and others ...Petitioners
Versus

The Chief Engineer/Admn. Haryana Vidyut Prasaran Nigam Limited and others

...Respondents

14. CWP-8091-2018

Dara Singh ...Petitioner
Versus

State of Haryana and others

...Respondents

15. CWP-21933-2016

Pawan Kumar and others ...Petitioners
Versus

State of Haryana and others

...Respondents

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Reserved on 20.11.2025
Pronounced on: 29.11.2025
Uploaded on:29.11.2025

Whether only the operative part of judgment is pronounced? No
Whether full judgment is pronounced? Yes

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vaneet Soni, Advocate for the petitioner(s) in CWP-6624-2023, 4374-2015, 20932-2016, 21446-2016, 20991-2016.

Mr. Manoj Tanwar, Advocate for the petitioner in CWP-21933-2016.

Mr. Tarun Yadav, Advocate for petitioner in CWP-5145-2015.

Mr. Saurabh Gulia, Advocate for the petitioner in CWP-24157-2016.

Mr. Vijay Pal and Mr.Akash Lather, Advocate for the petitioner(s) in CWP-2642-2015, 23390-2015, 23149-2016, 8091-2018 and 11979-2023.

Mr. Lokendra and Mr.Arvind K. Bangar, Advocate for the petitioner in CWP-18580-2016.

Mr. Arun Singla, AAG, Haryana.

Mr. Ravi Ambawata, Advocate for Mr.Sanjay Mittal, Advocate for the petitioner in CWP-5364-2017.

Mr. Manuj Kaushik, Advocate and Mr. Tarsem Rana, Advocate for the respondent(s)-DHBVNL in CWP-6624-2013 and 8395-2013.

Mr. Prince Singh, Advocate for respondents No.1 and 3 in CWP-5145-2015.

Mr. Ashok S. Chaudhary, Advocate for respondents No.1 to 5 in CWP-2642-2015 and CWP-4574-2015.

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HARPREET SINGH BRAR, J.

1. This common order shall dispose of all the writ petitions mentioned above as they arise from similar factual matrix and also pose a similar question of law. However, for the sake of brevity, the facts are taken from CWP-18580-2016.

2. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing of office order No.228 dated 30.08.2016 (Annexure P-6) whereby the petitioner has been ordered to be dismissed from service, as well as show cause notice dated 14.03.2016 and all consequential proceedings arising therefrom.

FACTUAL BACKGROUND

3. The respondent-DHBVN initiated recruitment process for filling up the vacancies for the post of Assistant Lineman (ALM) and various other posts through respondent No.4-Haryana Staff Selection Commission vide advertisement No.4 of 2008. The advertisement laid down the following eligibility criteria-

“Matric with two years ITI in Electrician/Wireman trade or having 2 years Vocational Course under the trade of Lineman conducted by Director, ITI & Vocational Education, Haryana from any institute recognised by the State Government and must have passed Hindi/Sanskrit up to Matric Standard.”

4. In pursuance of the said advertisement, the petitioner applied for recruitment to the post of ALM under the Backward Class- B (BC-B)

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category. Upon ascertaining the eligibility of the petitioner, he was called for the written test followed by an interview. Thereafter, he was appointed as an ALM vide letter dated 12.05.2010 (Annexure P-2) which reiterated the eligibility criteria and called upon the petitioner to submit original certificates in support of his qualifications at the time of joining. The ITI certificate of the petitioner was sent to the Principal, National Industrial Training Institute (Vocational Training Centre), Rewari (hereinafter 'NITI, Rewari') for verification. The same was successfully verified and the service of the petitioner was confirmed. As a matter of fact, he was also promoted to the post of Lineman vide office order dated 31.12.2014.

5. After a lapse of about 06 years, respondent-DHBVN suspended the service of the petitioner vide order dated 23.02.2016 (Annexure P-3) on the ground that he had obtained his appointment on the basis of a fake certificate. Aggrieved by the same, the petitioner moved this Court by means of CWP-5930-2016 which was dismissed as withdrawn vide order dated 23.02.2016. A show cause notice dated 14.03.2016 (Annexure P-4) was issued to the petitioner in furtherance of which he submitted a detailed reply. However, the petitioner was dismissed from service vide impugned order dated 30.08.2016 (Annexure P-6).

CONTENTIONS

6. Learned counsel for the petitioner contended that the petitioner is a confirmed employee of respondent-DHBVN and the any disciplinary proceedings initiated against him have to be strictly in terms of DHBVN

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Employees (Punishment and Appeal) Regulations, 2016 (hereinafter 'Regulations of 2016'). Since dismissal from service is a major punishment, the procedure laid down under Regulation 7 has to be followed. However, in contravention of the same, neither any charge-sheet was served upon the petitioner nor any misconduct in terms of the Regulations of 2016 has been proved against him; as such, the impugned order deserves to be set aside on this ground alone.

7. He further argued that the petitioner has been dismissed from service on the false premise that his ITI certificate is fake, which has not been established on record. The petitioner had submitted all relevant documents for scrutiny at the relevant stage of the selection process. Only upon verification of the same was the petitioner appointed to the post of ALM. Once the concerned authority has exercised its power to examine the eligibility of a candidate, it cannot retrospectively declare him ineligible. In spite of a long drawn out selection process, the respondent-DHBVN dismissed the petitioner stating that NITI, Rewari is an unrecognised institution and therefore, the certificates issued by it are invalid.

8. The petitioner neither misrepresented nor concealed any facts. Surprisingly, after the petitioner had already rendered six years of impeccable service, the XEN/Op. Division, DHBVN, Dharuhera sought clarification regarding genuineness of certificates issued by NITI, Rewari from the Haryana Industrial Training Directorate, vide memo dated 18.12.2015. Relying upon the judgment rendered by a Division Bench of



this Court in *Home-cum-Education Secretary and another vs. Pafna and another in CWP-2986-2015* decided on 28.04.2016, learned counsel contended that there is a marked difference between a ‘fake’ degree and an ‘unrecognised’ degree, especially in view of the fact that the petitioner had no means of knowing the nature of the institution at the relevant time. The petitioner is a well-trained professional which is also evident from the fact of his promotion to the post of Lineman. Terminating the services of the petitioner at such a belated stage is completely arbitrary and would cause irreparable loss to him by rendering him unemployed. Learned counsel have also place reliance on the judgments rendered by this Court in *Ram Bhagat Sharma vs. State of Haryana, Bidhi Chand vs. The Uttar Haryana Bijli Vitran Nigam and others 2002(4) SCT 1028, Satnam Kaur vs. The State of Haryana and others* to support their case.

9. *Per contra*, learned counsel for respondent-DHBVN submitted that the appointment of the petitioner was subject to fulfilment of conditions listed in the offer of appointment letter dated 12.05.2010 (Annexure P-2). Regulation 1.2 of the Recruitment and Promotion Policy of Non-Gazetted Technical Staff, as applicable to DHBVN, requires a candidate seeking appointment to the post of ALM to possess an ITI certificate for Electrician/Wireman trade or have completed 02 years of Vocational course in the trade of Lineman. However, the petitioner has received his certification from NITI, Rewari which is not recognised by the Haryana Industrial Training Directorate, as intimated vide memo dated 29.12.2015

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(Annexure R-1/1). Upon receiving this information, the respondent-DHBVN placed the petitioner under suspension and duly served a show-cause notice dated 14.03.2016 upon him. Further, Para No.7 of the offer of appointment letter (Annexure P-2) specifically states that the certification should be obtained by “*any institute recognised by the State Govt.*” As such, the petitioner does not meet the eligibility criteria to serve the respondent-DHBVN. The promotion to the petitioner was also granted on probationary basis, only in view of the seniority. Learned counsel also places reliance on the judgment rendered by this Court in ***Azad Rakib vs. Dakshin Haryana Bijli Vitran Nigam Ltd. and others CWP-17101-2017*** decided on 06.09.2019 wherein the dismissal of petitioner from service on account of ITI certificate from a bogus institute, was upheld in spite of the fact that he had served the concerned department for 07 years and received a promotion. Furthermore, the applicant should possess the desired qualification on the date of the application and not subsequently, in terms of judgment of the Hon’ble Supreme Court in ***Rakesh Kumar Sharma vs. Govt. of NCT of Delhi and others 2013(4) SCT 543.***

OBSERVATIONS AND ANALYSIS

10. Having heard learned counsel for the parties and after perusing the record of the abovementioned cases, it transpires that adverse action of suspension/termination, as the case may be, has been taken against the petitioner(s) on discovering that they do not possess valid certification to continue serving on the post they had erroneously been appointed to. While



one set of matter pertains to the forged and fabricated certificates, another set relates to certificates that have been found to be issued by institutions not recognised by the Haryana Industrial Training Directorate.

11. A reference must be made the legal maxims- *nullus commodum capere potest de injuria sua propria* which can be translated to- no man can take advantage of his own wrong, and *sublato fundamento cadit opus* which translates to- when the foundation is removed, the structure falls. When employment itself has been secured by playing fraud on the hiring authority, the delay in discovery of the charade cannot be used as a defence against adverse consequences. Further, no protection can be claimed by such employees in terms of Regulations of 2016 as these Regulations provide the procedure that ought to be adopted in the event of any misconduct on part of an employee during the course of his service. Since the petitioner(s) in CWP-233390-2016, CWP-23419-2016 and CWP-8091-2018 obtained employment on the basis of a forged and fabricated certificate, their service becomes *void ab initio* and thus, the benefit of the prescribed procedure under Regulation 7 cannot be made available to them merely to escape accountability as fraud vitiates all. Reliance in this regard can be placed upon the judgment rendered by the Hon'ble Supreme Court in ***Union of India vs. Prohlad Guha 2024 AIR SC 3588*** and this Court in ***Kuldeep vs. State of Haryana*** in ***CWP-26033-2025*** decided on 03.09.2025.

12. Reliance in this regard can also be placed on the judgment rendered by a two-Judge bench of the Hon'ble Supreme Court in ***Ram***

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Chandra Singh vs. Savitri Devi and others (2003) 8 SCC 319, wherein speaking through Justice S.B.Sinha, the following was opined:

“15. Commission of fraud on court and suppression of material facts are the core issues involved in these matters. Fraud as is well known vitiates every solemn act. Fraud and justice never dwell together.

16. 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 word or letter.

17. It is also well settled that misrepresentation itself amounts to fraud. Indeed, innocent misrepresentation may also give reason to claim relief against fraud.

18. A fraudulent misrepresentation is called deceit and consists in leading a man into damage by wilfully or recklessly causing him to believe and act on falsehood. It is a fraud in law if a party makes representations which he knows to be false, and injury ensues therefrom although the motive from which the representations proceeded may not have been bad.

19. In *Derry v. Peek*, (1889)14 AC 337 : (1886-90) All ER Rep 1 : 58 LJ Ch 864 : 61 LT 265 (HL). it was held:

"In an `action of deceit the plaintiff must prove actual fraud. Fraud is proved when it is shown that a false representation has been made knowingly, or without belief in its truth, or recklessly, without caring whether it be true or false.

A false statement, made through carelessness and without reasonable ground for believing it to be true, may be evidence of fraud but does not necessarily amount to fraud. Such a statement, if made in the honest belief that it is true, is not fraudulent and does not render the person making it liable to an action of deceit.

20. In *Kerr on Fraud and Mistake*, at p. 23, it is stated:

*"The true and only sound principle to be derived from the cases represented by **Slim v. Croucher**, (1860)1 De GF & J 518 : 29 LJ Ch 273 : 2 LT 103 : 45 ER 462. is this: that a representation is fraudulent not only when the person making it knows it to be false, but also when, as Jessel, M.R., pointed out, he ought to have known, or must be taken to have known, that it was false. This is a sound and intelligible principle, and is, moreover, not inconsistent with **Derry v. Peek**, (1889)14 AC 337 : (1886-90) All ER Rep 1 : 58 LJ Ch 864 : 61 LT 265 (HL).. A false statement which a person ought to have known was false, and which he must therefore be taken to have known was false, cannot be said to be honestly believed in. 'A consideration of*

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the grounds of belief', said Lord Herschell, 'is no doubt an important aid in ascertaining whether the belief was really entertained. A man's mere assertion that he believed the statement he made to be true is not accepted as conclusive proof that he did so.'"

21. In *Bigelow on Fraudulent Conveyances*, at p. 1, it is stated:

"If on the facts the average man would have intended wrong, that is enough."

22. It was further opined:

"This conception of fraud (and since it is not the writer's, he may speak of it without diffidence), steadily kept in view, will render the administration of the law less difficult, or rather will make its administration more effective. Further, not to enlarge upon the last matter, it will do away with much of the prevalent confusion in regard to 'moral' fraud, a confusion which, in addition to other things, often causes lawyers to take refuge behind such convenient and indeed useful but often obscure language as 'fraud upon the law'. What is fraud upon the law? Fraud can be committed only against a being capable of rights, and 'fraud upon the law' darkens counsel. What is really aimed at in most cases by this obscure contrast between moral fraud and fraud upon the law, is a contrast between fraud in the individual's intention to commit the wrong and fraud as seen in the obvious tendency of the act in question."

23. Recently this Court by an order dated 3-9-2003 in **Ram Preeti Yadav v. U.P. Board of High School & Intermediate Education**, (2003)8 SCC 311 : JT 2003 Supp (1) SC 25. held:

"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. Although negligence is not fraud but it can be evidence on fraud. (See Derry v. Peek, (1889)14 AC 337:.)

In Lazarus Estates Ltd. v. Beasley, (1956)1 All ER 341: the Court of Appeal stated the law thus:

'I cannot accede to this argument for a moment. No court in this land will allow a person to keep an advantage which he has obtained by fraud. No judgment of a court, no order of a minister, can be allowed to stand if it has been obtained by fraud. Fraud unravels everything. The court is careful not to find fraud unless it is distinctly pleaded and proved; but once it is proved it vitiates judgments, contracts and all transactions whatsoever;'

In S.P. Chengalvaraya Naidu v. Jagannath, (1994)1 SCC 1 this Court stated that fraud avoids all judicial acts,

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ecclesiastical or temporal."

24. An act of fraud on court is always viewed seriously. A collusion or conspiracy with a view to deprive the rights of the others in relation to a property would render the transaction void ab initio. Fraud and deception are synonymous.(emphasis added)

12.1. Further, a three-Judge bench of the Hon'ble Supreme Court in ***Jainendra Singh vs. State of U.P. Tr. Prinl. Sec. Home (2012) 8 SCC 748***, has categorically held that no estoppels would operate in favour of those who acquired employment by defrauding the employer. Speaking through Justice Fakkir Mohamed Ibrahim Kalifulla, the following was held:

"31. As noted by us, all the above decisions were rendered by a Division Bench of this Court consisting of two-Judges and having bestowed our serious consideration to the issue, we consider that while dealing with such an issue, the Court will have to bear in mind the various cardinal principles before granting any relief to the aggrieved party, namely:

(i) Fraudulently obtained orders of appointment could be legitimately treated as voidable at the option of the employer or could be recalled by the employer and in such cases merely because the respondent employee has continued in service for a number of years, on the basis of such fraudulently obtained employment, cannot get any equity in his favour or any estoppel against the employer.

(ii) Verification of the character and antecedents is one of the important criteria to test whether the selected candidate is suitable to the post under the State and on account of his antecedents the appointing authority if find not desirable to appoint a person to a disciplined force can it be said to be unwarranted.

(iii) When appointment was procured by a person on the basis of forged documents, it would amount to misrepresentation and fraud on the employer and, therefore, it would create no equity in his favour or any estoppel against the employer while resorting to termination without holding any inquiry.

(iv) A candidate having suppressed material information and/or giving false information cannot claim right to continue in service and the employer, having regard to the nature of employment as well as other aspects, has the discretion to

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terminate his services. Purpose of calling for information regarding involvement in any criminal case or detention or conviction is for the purpose of verification of the character/antecedents at the time of recruitment and suppression of such material information will have clear bearing on the character and antecedents of the candidate in relation to his continuity in service.

*(v) **The person who suppressed the material information and/or gives false information cannot claim any right for appointment or continuity in service.***

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xxx”

13. Moving on, in some of the writ petitions listed above, the petitioner(s) were suspended/dismissed upon discovering that the certificate-issuing authority which happens to be NITI, Rewari does not possess the requisite recognition from Haryana Industrial Training Directorate. This factum has also been corroborated by the Directorate as discernible from Annexure R-1/1, which also provides a list of similar bogus institutes. This Court in ***Bidhi Chand (supra)***, has categorically held that experience cannot be equated with education, especially for jobs where skill and expertise is vital while in ***Satnam Kaur (supra)*** it was opined that long duration of service is not reason enough to forego the original requirements. Further, this Court in ***Ram Bhagat Sharma (supra)***, speaking through Justice G.S. Singhvi, observed as follows:

“18. We also do not find any merit in the argument of Shri Sangwan that the examinations conducted by Hindi Sahitya Sammelan, Allahabad, through the centres established in the State of Haryana should be treated as duly recognised because a number of candidates who have passed such examinations have already been employed as Hindi Teachers in the Education department of the State of Haryana. The issue of recognition of the examination conducted by a particular institution has to be considered and decided by the authority which

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*prescribes the qualifications for recruitment to a particular post. **In this case, it is the State Government which prescribes the requisite qualifications. Therefore, the decision to recognise or not to recognise the particular qualifications has to be taken by the State Government and not by the Court. Admittedly, the State Government has not taken such a decision, therefore, we cannot draw an inference on the issue of recognition of qualifications merely because some persons possessing similar qualifications have been appointed as Hindi Teachers.** In this regard, it will be useful to refer to the observations made by the Supreme Court in **Director, AIIMS and others v. Dr. Nikhil Tandon and others, 1996(7) Supreme Court Cases 741 : 1996(2) SCT 270.***

"The two years' training at the Cambridge University undergone by the respondent while working for his Ph.D. cannot be treated as a qualification recognised as equivalent to DM. Schedule I to the AIIMS Recruitment Rules speaks of DM qualification or a qualification recognised as equivalent thereto. It is not mere equivalence that is enough. It must also be recognised as equivalent.

Recognised evidently means recognised by the Institute or at least by the Medical Council of India. Admittedly, neither has recognised the said research work/training for two years in the Cambridge University as equivalent to DM."

13.1. As a matter of fact, this Court in **Ram Bhagat Sharma (supra)** had gave an opportunity to the teachers who had obtained the requisite qualification from an unrecognised institution but had completed 03 years of service, to acquire the desired qualification within a stipulated time. However, the Hon'ble Supreme Court in **Pramod Kumar vs. U.P. Secondary Education Services Commission (2008) 7 SCC 153** disagreed with this approach. Speaking through Justice S.B. Sinha, the following was observed:

*"24. A departmental proceeding against the appellant might have been initiated after the change of management. We will also assume that the said proceeding was initiated after the contempt proceeding was initiated. Appellant, however, has filed a writ application for issuance of or in the nature of a writ of mandamus. **He, therefore,***

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must establish existence of a legal right in himself and a corresponding legal duty in the State. If he did not possess the requisite qualification to hold a post, he could not have any legal right to continue. It was, therefore, immaterial as to why and when the said proceeding had been initiated against him.

Reliance placed by Mr. P.S. Patwalia on *Shainda Hasan v. State of Uttar Pradesh and Others [(1990)3 SCC 48]* is not apposite. Therein a concession was made on behalf of the State that the University had agreed that asking the appellant therein to leave the job after 16 years will be doing injustice to her. Such a view might have been taken by this Court in exercise of its extra ordinary jurisdiction under Article 142 of the Constitution of India. The question, however, that arose therein was as to whether the Selection Committee could grant relaxation of the educational qualification vis-a-vis the experience required to be obtained. It was held that such a power did not exist in the Selection Committee.

It was, therefore, a case where relaxation in regard to experience was sought for and granted. It was not a case where the appellant therein lacked basic educational qualification. Herein, we are concerned with a case where the appellant lacked basic educational qualification.

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27. A similar question, on the other hand, came up for consideration before this Court in *Ravinder Sharma (Smt.) and Another v. State of Punjab and Others, 1995(1) SCT 48 : [(1995)1 SCC 138]* wherein a three Judges' Bench held :

"12. The appellant was directly appointed. In such a case, the qualification must be either :

(i) A Graduate/Intermediate second class or,

(ii) Matric first class.

Admittedly, the appellant did not possess this qualification. That being so, the appointment is bad. The Commission recommended to the Government for relaxation of the qualification under Regulation 7 of the Regulations. The Government rejected that recommendation. Where, therefore, the appointment was clearly against Regulation 7, it was liable to be set aside. That being so, no question of estoppel would ever arise. We respectfully agree with the view taken by the High Court."

28. Almost to the same effect is the decision of this Court in *Mohd. Sartaj and Anr. v. State of U.P. and Others, 2006(1) SCT 610 : [JT 2006(1) SC 331]* holding :

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"It is settled law that the qualification should have been seen which the candidate possessed on the date of recruitment and not at a later stage unless rules to that regard permit it. The minimum qualification prescribed under Rule 8 should be fulfilled on the date of recruitment. Equivalence of degree of Moallium-e-Urdu, Jamia Urdu Aligarh with that of B.T.C. in the year 1994 would not entail the benefit to the appellants on the date they were appointed. The appellants could not have been appointed to the post of Asstt. Teachers without having training required under Rule 8. That being the case, the appointments of the appellants were de hors the Rules and could not be treated to be continued. For the aforesaid reasons, we do not find any substance in the appeals and are, accordingly, dismissed."

29. Recently again in *Ashok Kumar Sonkar v. Union of India and Others*, 2007(2) SCT 19 : [(2007)4 SCC 54], it was held :

"16. Indisputably, the appellant herein did not hold the requisite qualification as on the said cut-off date. He was, therefore, not eligible therefor."

(emphasis added)

14. It is the prerogative of the hiring authority to lay out an eligibility criterion as it is best suited to understand the role and its requirements and this Court cannot interfere with it. In the offer to appointment letters issued by the respondents, it has been specifically stipulated that the appointment shall be subject to fulfilment of conditions contained therein. As mentioned in the reply filed on behalf of respondents No.1 to 3, para 7 of the offer to appointment letter reads as follows:

"The above offer of appointment is being made to you on the distinct understanding:-

7.1. That you actually possess the following qualification and will produce all the original certificates in its support:-

*7.1.1. Matric with 2 years ITI Electrician/Wireman trade or having 2 years Vocational course under the trade of Lineman conducted by Director, ITI and Vocational Education, Haryana **from any institute recognized by the State Govt.**"*

(emphasis added)

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15. There is no ambiguity that the requisite technical qualification had to be obtained from an institution recognised by the State Government at the time of recruitment. As such, the petitioner(s) are expected to ensure that they do in fact qualify for appointment. The petitioner(s) cannot escape liability by placing the entire burden to weed out wrongly appointed employees on the State particularly when they failed to exercise due care. Allowing such an approach would amount to legitimising a wrongful act merely because it went undetected. A two-Judge Bench of the Hon'ble Supreme Court in *National Council for Teacher Education vs. Venus Public Education Society (2013) 1 SCC 223*, speaking through Justice Dipak Misra made the following observations:

“35. Now, to the last plank of submission of the learned counsel for the appellant. It is urged by him that the NCTE had procrastinated its decision at every stage and such delay was deliberate and, therefore, the society was compelled to admit the students and impart education, regard being had to the fact that there were really no deficiencies. As has been laid down in many a pronouncement of this Court that without recognition from the NCTE and affiliation from the university/examining body, the educational institution cannot admit the students. An educational institution is expected to be aware of the law. The students who take admission are not young in age. They are graduates. They are expected to enquire whether the institution has recognition and affiliation. If we allow ourselves to say so, the institution had given admission in a nonchalant manner. Possibly, its functionaries harboured the idea that they had incomparable fertile mind. The students who had taken admission possibly immersed with the idea that ignorance is a bliss. It is also necessary to state that the institution had the anxious enthusiasm to commercialize education and earn money forgetting the factum that such an attitude leads to a disaster. The students exhibited tremendous anxiety to get a degree without bothering for a moment whether their effort, if any, had the sanctity of law. Such attitudes

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only bring nemesis. It would not be wrong to say that this is not a case which put the institution or the students to choose between Scylla and charybdis. On the contrary, both of them were expected to be Argus-eyed. The basic motto should have been "transparency". Unfortunately, the institution betrayed the trust of the students and the students, in a way, atrophied their intelligence. The institution decidedly exhibited characteristics of carelessness. It seems that they had forgotten that they are accountable to law. **The students, while thinking "vision of hope", chose to play possum. The law does not countenance either of the ideas.** Hence, the plea propounded with anxiety, vehemence and desperation on behalf of the appellant is not acceptable and, accordingly we unhesitatingly repel the same."

Reliance in this regard can also be placed on the judgment rendered by this Court in *Monu vs. State of Haryana* in *CWP-4559-2025* decided on 13.11.2025.

16. Be that as it may, the respondent-DHBVN must also be held accountable. Public employment opportunities are highly coveted as it carries with itself the assurance of stability and dignity. However, given its scarce nature, every such opportunity assumes great significance for aspirants who pursue it with commendable dedication and hope. Therefore, it is of the utmost importance to ensure that the recruitment process remains sacrosanct, transparent and free from evils of arbitrariness. It must be duly appreciated that hiring an ineligible candidate also means depriving a deserving candidate of the opportunity to be in service of the State and the benefits emanating therefrom. The sentiments of this Court were also echoed by a Co-ordinate bench while issuing notice of motion in the present case vide order dated 07.09.2016. The same is reproduced below:

“ *Heard. There may hardly be any doubt that the trade certificate on the basis of which employment was offered to the*

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petitioner by the Nigam was bogus, if not a fake document, since the Institute from where it was obtained was not recognized by the Haryana Government. On the basis of this certificate, the petitioner's services have been terminated by the impugned order. The Nigam has taken extreme action on discovery of the fact. But the larger issue which remains is that what steps is the Government of Haryana taking about reigning in these teaching shops going by the name of National Training Institutes spread across Haryana duping gullible students with worthless certificates which they may have innocently believed to be genuine while applying for public posts advertised by the Nigam. As far as termination is concerned and its validity, the respondent Nigam would be heard on notice issued to justify action taken.

However, at the initial stage the State is ordered to be impleaded as respondent No.4 through the Chief Secretary, Government of Haryana to express the views of the Government on such institutions and whether they should be permitted to run on Haryana soil only to dupe students and leave them in the lurch. The Chief Secretary or his nominee would file an affidavit on the above including explaining why Government itself should not take firm steps to initiate criminal and civil action against such institutions and their managements for cheating and practicing deceit etc. and to examine the feasibility in reconsideration of the cases where change of land use has been granted to permit constructions to be raised in the name of imparting education and to consider the advisability of withdrawing such permissions and to call upon their managements to return the land to the rightful previous owner/s. This appears to be the only stern way out to stop cheating and sharp practices resorted to by managements which can be stopped in Haryana by its Government committed, as it must be, to the cause of technical education, and also with a view to safeguard this Court against wasted time in such litigation.

Had the Nigam in the very beginning made an inquiry into the validity of the certificate by timely scrutiny of documents relied upon by a candidate, this case would not have arisen, had appointment been denied at the threshold. The Nigam let time slip by for 6 years and then woke up to throw the petitioner out of job.

The Nigam, on its part, will also explain on affidavit its lapse in recruiting person who applied on the strength of a bogus/fake certificate and what action has been taken against erring officers who permitted such a recruitment to be made. For this, it would be necessary to examine the still larger issue that a Corporation of the State should turn against a candidate and terminate his services after

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utilizing his services for 6 years. All these issues would need to be balanced out after receiving replies from the respective respondents and the one impleaded by Court.

Notice of motion, returnable by 18.10.2016.

Notice re: stay as well.

On the asking of Court, Mr. Harish Rathee, Sr. D.A.G., Haryana, accepts notice on behalf of the 5th respondent and waives service on the State. Mr. Bhardwaj to supply requisite number of the paper-books in the Office of Advocate General Haryana with one advance copy to Mr. Rathee during the course of the day.

Notice to the remaining respondents be issued through process dasti in addition to usual mode.

A copy of this order be given to Mr. Rathee attested by the Bench Secretary of this Court for onward transmission to the Chief Secretary, Haryana for his immediate attention and affirmative action which may include blacklisting of bogus technical education institutions and publicizing action taken against them in the media so that students are forewarned not to seek admissions therein and expect to land jobs in Government service and in State Corporations and Nigams."

17. While this Court may sympathise with the petitioner(s) regarding the delay, the settled law must prevail. The petitioner(s) misrepresented their eligibility by failing to ensure compliance with the expressly stated qualifications set out in their offer of appointment. This, however, does not imply the existence of *mens rea* on the part of the petitioner(s). In any event, *mens rea* is relevant only to criminal proceedings, and the absence thereof cannot shield the petitioner(s) from civil consequences. Since the very foundation of the petitioner(s)' employment stands vitiated by the use of certificates issued by unrecognised

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institutions, they cannot claim entitlement to any benefits arising from such tainted service. As far as cases pertaining to employees who obtained the desired certification subsequent to their appointment are concerned, they would surely be entitled to benefits of the same for any future employment prospects but the same shall not suffice to justify reappointment. A similar observation has been made by a Coordinate bench in order dated 01.08.2018, with regards to the contractual employees who do not satisfy the essential requirements. The relevant part of the said order is reproduced below:

“ All contractual appointments made without candidates holding essential advertised qualifications from recognized Universities/Technical Board/Institutes have no case for re-appointment. In cases where contractual employees have obtained degrees/diplomas/certificates from recognized institutes they may use such certificates for future recruitment in the respondent-Nigam or elsewhere, a right which they would possess in any case.”

CONCLUSION

18. In view of the discussion above, all the abovementioned petitions are dismissed being bereft of any merit. The petitioner(s) who acquired the requisite qualification from a recognised institution subsequent to the recruitment, can avail benefit of the same if they apply for fresh appointment, subject to applicable rules and regulations.

19. However, in the matter at hand, the fault in the qualification of the petitioner was identified 06 years post his recruitment. Such laxity displayed by the respondent-DHBNV cannot be condoned in any shape or

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form. In *Monu(supra)*, the verification of certificate-issuing institution was completed after the petitioner therein had spent 07 years in service, only in pursuance of an order of this Court directing the concerned Deputy Commissioner of Police to do the needful. Thus, this Court finds it appropriate to direct the Managing Director, DHBVN to formulate guidelines and issue instructions for verification of credentials of its employees within 06 months of their recruitment.

20. A compliance affidavit in this regard be filed with the Registry within 03 months of receipt of a certified copy of this order. A copy of this order also be supplied to learned State counsel and learned counsel for respondent-DHBVNL for information and compliance.

21. Pending miscellaneous application(s), if any, shall also stand disposed of.

22. Photocopy of this order be placed on the file of connected cases.

(HARPREET SINGH BRAR)
JUDGE

November 29, 2025
P.C

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No