2026:AHC:17251

HIGH COURT OF JUDICATURE AT ALLAHABAD
WRIT - A No. - 19634 of 2025

AFR

Garima Singh

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ram Badan, Tej Prakash Mishra
Counsel for Respondent(s)	:	Ashish Kumar (Nagvanshi), C.S.C.

Court No. - 52

HON'BLE MRS. MANJU RANI CHAUHAN, J.

1. Heard Mr. Tej Prakash Mishra, learned counsel for the petitioner, Mr. Ashish Kumar Nagvanshi, learned counsel for respondent nos.2 and 3 and learned Standing Counsel for the State respondents.

2. The writ petition has been filed challenging the order dated 06.08.2025 passed by respondent no.2 District Basic Education Officer, Deoria, vide which, appointment of the petitioner on the post of Assistant Teacher has been cancelled. It is further prayed to direct the respondent no.2 to permit the petitioner to join the service on the post of Assistant Teacher in Uchchtar Prathmik Vidyalaya, Bardiha Dalpat, Vikas Khand-Salempur, District- Deoria.

3. Placing the brief facts of the case, learned counsel for the petitioner submits that the petitioner was appointed on the post of Assistant Teacher on 27.07.2010 and she joined at Uchchatar Prathmik Vidyayala, Bardiha Dalpat, Vikas Khand- Salempur, District- Deoria. All her educational documents as well as other relevant documents were scrutinized by the concerned respondents, after her joining, and the petitioner continued to work as Assistant Teacher, there being no complaint against her till date. After nearly 15 years of service, it appears that the educational documents and other relevant documents of the petitioner were again verified. On the basis of some complaint and without giving any notice or an opportunity of hearing and following the due procedure as required under law, the order impugned has been passed cancelling the

appointment of the petitioner, which is arbitrary, illegal and bad in the eyes of law. The other grounds have also been taken in the petition as regards the fact that the documents were verified after which the petitioner was allowed to continue for the last 15 years, therefore, there was no occasion of acting upon a complaint made by her relative in order to get the documents verified again and to pass the order impugned.

4. Learned counsel for the respondent-BSA, Mr. Ashish Kumar Nagvanshi, submits that detailed order has been passed wherein all the educational documents and the domicile certificate have been verified by the competent authority as well as the STF wherein it has been found that all the documents as placed at the time of obtaining appointment were found to be forged. Though a proper notice dated 02.07.2025 has been given to the petitioner to which she has not submitted any reply nor has placed any documents to show that the educational certificates, domicile certificate and other relevant documents placed at the time of appointment were genuine. In the petition also no certificates have been placed on record to prove that the appointment has been sought by placing genuine documents. He further submits that from the order impugned also it is clear that the educational documents and domicile certificate of some other candidate namely, Garima Singh has been used to obtain appointment on the post of Assistant Teacher.

5. Learned counsel for the respondent-BSA further submits that it is a settled position of law that no opportunity of hearing or detailed inquiry is warranted in cases where an appointment has been secured by practicing fraud. This issue has already been discussed in several judgments passed by this Court in the cases of **Virendra Kumar Mishra vs. State of UP and 4 Others, in Writ A No.11846 of 2025, Shiv Kumar vs. State of U.P. and 8 Others, in Writ A No.12839 of 2023, Pankaj Mathur vs. State of U.P. and 3 Others, in Writ A No.12336 of 2025 and Deepa Magleena vs. State of U.P. And 4 Others, in Writ-A No.10843 of 2025.** The same has been held in the case of **Kamlesh Kumar Nirankari vs. State of U.P. and 20 Others, in Writ A No.20140 of 2023**, wherein this

Court has observed that in case the employment has been obtained based on fraudulent documents on concealing facts, the beneficiary of such fraud cannot seek any inquiry in terms of Uttar Pradesh Government Servant (Discipline and Appeal) Rules, 1999. Similar issue has also been settled in the case of **Krishna Kant vs. State of U.P. and 2 Others, in Writ A No.10029 of 2025**.

6. When the Court started dictating the order, learned counsel for the petitioner submits that there is an alternative remedy of filing an appeal, therefore, he prays to not press this petition. The prayer of the petitioner cannot be entertained on this ground as the existence of an alternative remedy is not a bar in cases where the ground of denial of opportunity of hearing has been taken in the petition. The prayer is rejected.

7. Accordingly, no interference is required and the relief as prayed for cannot be granted. The writ petition stands dismissed.

8. This Court, while exercising its extraordinary jurisdiction under Article 226 of the Constitution of India, has repeatedly noticed a disturbing pattern wherein a large number of Assistant Teachers have secured appointments on the strength of forged and fabricated certificates, fake documents, or by deliberate concealment of material facts. Such persons continue to remain in service for years together, openly in collusion with the management of the institutions and, in many cases, with the active connivance or tacit approval of the concerned Basic Shiksha Adhikari.

9. It is a matter of serious concern that despite issuance of several circulars and instructions by the State Government from time to time, the authorities entrusted with the duty of maintaining purity in the education system have failed to take effective and timely action against such illegal appointments. The inaction on the part of the authorities not only perpetuates fraud but also strikes at the very root of the education system, causing grave prejudice to the interest of students, which is of paramount and overriding consideration for this Court.

10. In such circumstances, and in order to uphold the rule of law, protect the larger public interest, and ensure that the education imparted to children is not compromised, this Court is left with no other option but to issue a mandamus directing the Principal Secretary, Basic Education, to undertake a comprehensive and time-bound scrutiny of the appointments of Assistant Teachers across the State.

11. The Principal Secretary shall ensure that appropriate action, strictly in accordance with law, is taken against all such teachers who have obtained appointment by playing fraud upon the authorities, including cancellation of appointments and recovery of salary, wherever permissible. Simultaneously, stringent disciplinary and penal action shall also be initiated against those officials who are found to have colluded with, abetted, or deliberately ignored such fraudulent appointments. The entire exercise shall be completed expeditiously, preferably within a period of six months from the date of receipt of a certified copy of this order.

12. Registrar Compliance of this Court is directed to communicate this order to the Principal Secretary, Department of Basic Education, Government of Uttar Pradesh, Lucknow as well as Principal Secretary (Law) & L.R., Government of U.P., Lucknow, for its compliance forthwith.

(Mrs. Manju Rani Chauhan,J.)

January 22, 2026
Rahul.