

A.F.R.



2026:AHC:71367

Reserved on: 16.02.2026

Delivered on: 03.04.2026

**HIGH COURT OF JUDICATURE AT ALLAHABAD
WRIT - A No. - 11875 of 2025**

Preeti Jaiswal

.....Petitioner(s)

Versus

State of Uttar Pradesh and 6 others

.....Respondent(s)

Counsel for Petitioner(s) : Siddharth Khare
Counsel for Respondent(s) : Ashish Kumar (nagvanshi),
C.S.C., Chandan Sharma

Court No. - 52

HON'BLE MRS. MANJU RANI CHAUHAN, J.

1. Heard Mr. Siddharth Khare, learned counsel for the petitioner, Sri Chandan Sharma, learned counsel for the respondent Nos.4 and 5, Mr. Shailendra Singh, learned counsel for the respondent Nos.1 and 2, Sri Ashish Kumar Nagvanshi, learned counsel for the respondent Nos.3, 6 and 7 and perused the record.
2. The writ petition has been filed with the following prayers:-

“(i) A writ, order or direction in the nature of certiorari quashing the order dated 28.07.2025 passed by Basic Shiksha Adhikari, Gorakhpur.

(ii) A writ, order or direction of suitable nature restraining the respondents from interfering with the working of the petitioner as Assistant Teacher at Prathmik Vidyalay Jangal Dumri No.1, Development Block Bhathat, District Gorakhpur and to pay the petitioner her full monthly salary of the said post regularly every month.

(iii) Any other relief as this Court may deem fit and proper in the facts & circumstances of the case.”

3. Placing the brief facts of the case, learned counsel for the petitioner submits that the educational qualification of the petitioner is High School, Intermediate, Bachelor of Arts Degree, Bachelor of Education and Special BTC Training Course, 2008. In the year 2008 selection proceedings were undertaken by the State Government for admission to Special BTC Training Course 2008 to such candidates who possessed some other teacher’s training qualification.

4. Accordingly, the petitioner also applied in pursuance thereof, and was selected and underwent training at District Institute of Education & Training, Gorakhpur. On successful completion of Special BTC Training Course 2008, the petitioner was issued a certificate dated 21.12.2009. Upon declaration of the result of Special BTC Training Course, the petitioner became entitled for automatic appointment as an Assistant Teacher, accordingly, based upon the result of Special BTC Training Course, 2008, the petitioner was issued appointment order dated 06.02.2010.

5. The petitioner forthwith joined and thereafter has been working continuously up to the satisfaction of her superiors. The work and conduct of the petitioner has been fully satisfactory. The petitioner was at the relevant point of time was posted at Prathmik Vidyalaya Jangal Dumri No.1, Development Block Bhathat, District Gorakhpur. The petitioner has been paid her regular monthly salary up to the month of June 2025.

6. The petitioner passed her Bachelor of Arts Course as a student of St. Andrew's College, Gorakhpur, affiliated to Deen Dayal Upadhyay Gorakhpur University, Gorakhpur (in short 'Gorakhpur University'). The aforesaid degree as awarded to the petitioner was duly verified by the Examination Controller, Gorakhpur University, Gorakhpur. It was duly verified that the petitioner had secured 1175 marks out of 1800 marks in aggregate of 3 years Bachelor of Arts Course.

7. Without there being any material against the petitioner, she was placed under suspension by the Basic Shiksha Adhikari, Gorakhpur on 19.12.2019 and a charge sheet dated 26.12.2019 was issued. Aggrieved by the aforesaid, the petitioner filed Writ A No.8607 of 2020 (Preeti Jaiswal vs. State of U.P. & Others) and vide order dated 15.10.2020 the writ petition was finally disposed of directing to conclude the inquiry proceedings within a period of 30 days from that date, failing which the suspension order of the petitioner would stand revoked.

8. The Khand Shiksha Adhikari, Bhathat, sent a communication dated 10.01.2020 addressed to the Principal St. Andrew's College, Gorakhpur, seeking verification of Bachelor of Arts Degree of the petitioner. In response, the Principal of the aforesaid college made

an endorsement to the effect that according to the tabulation sheet made available by the University, the petitioner secured 1175 marks out of 1800 marks and passed her Bachelor of Arts Examination in First Division. The endorsement dated 11.01.2020 finds place on the communication of Khand Shiksha Adhikari, Bhathat.

9. On 18.01.2020, the Khand Shiksha Adhikari, Bhathat, sent a communication to the Basic Shiksha Adhikari, Gorakhpur, giving an opinion that no discrepancy is reflected. However, it would be appropriate to seek verification of the Graduation Degree of the petitioner from the University.

10. The Vice Chancellor of the Gorakhpur University, Gorakhpur, proceeded to appoint an Enquiry Committee to conduct verification of the mark sheet of the petitioner. The Committee so constituted was headed by a professor of the University with three other members. The Committee met on 30.09.2022 and proceeded to submit a report dated 30.09.2022 for consideration and decision by the Examination Committee of the University. The report as placed by the Committee dated 30.09.2022 mentions about the verification of the marks of the petitioner based upon the counter foil made available by the confidential section of the University, however, does not dispute the marks awarded to the petitioner are in conformity with the tabulation chart maintained by the University.

11. The Examination Controller of the University based on the aforesaid report dated 30.09.2022 of the Committee constituted by the Gorakhpur University submitted a report dated 18.09.2024 which was followed by a further report dated 21.05.2024. Though,

the Committee while placing the report before the Examination Controller of the University has directed the Examination Controller to pass appropriate orders and place the same before the Basic Shiksha Adhikari, Gorakhpur and Incharge STF, Gorakhpur. Till date, no decision has been taken at the level of the Examination Committee on the basis of the report dated 30.09.2022.

12. Learned counsel for the petitioner submits that degree so awarded by the respondent-University can be cancelled or revoked only on the basis of decision of the Executive Council of the University and this decision can be made only on the basis of limited grounds enumerated under the State Universities Act, 1973. Neither the Executive Council nor the Examination Committee has taken any decision on the Bachelor of Arts Degree of the petitioner.

13. In between the Special Task Force, Gorakhpur appears to have submitted some report dated 01.04.2024. Another report dated 14.02.2025 followed by a further report dated 21.05.2024 was sent by the Examination Controller.

14. On 20.08.2024, a notice was issued by the Basic Shiksha Adhikari, Gorakhpur, fixing 26.08.2024 as the date of hearing, and the petitioner was required to remain present. In response to the aforesaid notice, the petitioner filed an application dated 26.08.2024 requesting for supply of documents referred to therein. Thereafter, another notice dated 19.10.2024 was issued by the Basic Shiksha Adhikari, Gorakhpur, fixing 29.10.2024 as the date of hearing. The aforesaid notice was accompanied by a copy of the proceedings of the Inquiry Committee of Gorakhpur University

dated 30.09.2022, letters of Gorakhpur University, Gorakhpur dated 21.05.2024 and 18.09.2024 and the report of Special Task Force dated 26.07.2024. The petitioner in response of the aforesaid notice filed a detailed representation dated 29.10.2024. Against the notice dated 19.10.2024, however, she filed a Writ Petition No.77 of 2025 (Preeti Jaiswal vs. State of U.P. & 2 Others), and the aforesaid writ petition was finally disposed of by order dated 17.02.2025 directing the petitioner to submit a reply to the notice dated 19.10.2024 within a period of three weeks from that date before the concerned respondent who shall inturn take decision in the matter strictly in accordance with law, expeditiously, preferably within a period of three months thereafter.

15. Pursuant to the aforesaid order, a fresh notice dated 01.03.2025 making partial amendment to the notice dated 19.10.2024 was issued fixing 17.03.2025 as the date of hearing. In response to the aforesaid notice, the petitioner filed a representation dated 17.03.2025. Another notice dated 27.05.2025 was issued by Basic Shiksha Adhikari, Gorakhpur, which was a fourth notice to the petitioner to which a detailed reply and representation dated 09.06.2025 was submitted by her.

16. Learned counsel for the petitioner further points out that the Controller of Examination has verified the mark sheet of the petitioner on 03.02.2014 and has forwarded the verification report dated 03.02.2014 to the Basic Shiksha Adhikari, Gorakhpur through Khand Shiksha Adhikari, Bhathat, vide letter dated 05.02.2014.

17. He further submits that on the basis of application filed under Right to Information Act, 2005, the petitioner received the

information that by communication dated 22.06.2021 issued by the Examination Controller it has been informed that Tabulation Register is maintained as a permanent record, whereas the counter foil/mark slip is retained only for a period of one year. It was further informed that the verification of the results is undertaken from the Tabulation Register. Evaluated answer sheets are retained for a period of two years or till holding of the examination thereafter. It was also informed by communication dated 04.09.2024 by the Principal of St. Andrews College, Gorakhpur, responded that the marks are entered in the format of the mark sheet made available from the University on the basis of marks contained in the Tabulation Register. By communication dated 18.10.2024, the Principal of the College intimated that the Tabulation Register was maintained by Gorakhpur University and verification of marks was only possible from the said Tabulation Register.

18. Learned counsel for the petitioner further submits that on 14.02.2025 the Examination Controller proceeded to submit a report to the effect that the earlier verification report dated 01.04.2024 was found to be erroneous and, accordingly, a modified report was placed on 21.05.2024. Thereafter, on 28.07.2025, an order was passed by the Basic Shiksha Adhikari, Gorakhpur, purporting to cancel the appointment of the petitioner with effect from the date of her initial appointment with further directions for lodging the First Information Report against the petitioner and for computation of salary for effecting a recovery of the salary from the year 2010 as paid to the petitioner.

19. The aforesaid order dated 28.07.2025, which is the order impugned has been challenged on the following grounds:-

(i). That no regular departmental proceedings were initiated prior to passing of the order impugned.

(ii). That the Basic Shiksha Adhikari, Gorakhpur has not conducted any oral hearing at his own level or by appointing any inquiry officer in accordance with Rule 7 of U.P. Govt. Servant (Discipline and Appeal) Rules, 1999 (in short 'Rules of 1999').

(iii). It is settled position of law that prior to imposition of major penalty like termination of service, a proper inquiry must be conducted in accordance with the procedure as provided under Rule 7 of the Rules of 1999.

(iv). None of the mark sheet of the petitioner suffer from any infirmity.

(v). None of the notices have been given to the petitioner making allegations to the effect that the mark sheet of the petitioner could not be verified by Deen Dayal Upadhyay, Gorakhpur University, Gorakhpur, because entries in the mark sheet is being compared with some counter foil claim to be available at St. Andrews College, Gorakhpur, on the basis of which a doubt is cast upon the petitioner for giving a forged mark sheet. As informed, the mark sheet are to be verified from the tabulation chart as maintained and there exists no discrepancy in the petitioner's mark sheet as compared with the tabulation sheet. There is no justification in passing any order on the basis of some counter foil obtained from St. Andrews College. The petitioner has worked for almost 18 years and cancellation of appointment by passing the order

impugned after so many years, is arbitrary and bad in the eyes of law.

20. Learned counsel for the petitioner has filed written submissions wherein challenging the order impugned the following grounds have been taken:-

21. The objection which has been taken with respect to Bachelor of Arts Degree obtained by the petitioner in the year 2000 being student of St. Andrews College, Gorakhpur affiliated to Deen Dayal Upadhyay Gorakhpur University, Gorakhpur. There does not exist any allegation that the petitioner was not a student of St. Andrew's College, Gorakhpur, however, it has been stated that the marks entered in the mark sheet of IIIrd year of B.A. Course are inflated. Such objection is being raised on the basis of comparison of the mark sheet of the petitioner from the counter foil available with the Gorakhpur University. He submits that despite the fact that the marks entered in the mark sheet of the petitioner tallies with the marks entered in the tabulation register maintained by the St. Andrew's College as well as by the Gorakhpur University. The aforesaid objection is arbitrary as the tabulation register of the University and the College are the most authentic documents and any doubt with regard to the correctness of the marks can be resolved on the basis of the entries in the tabulation register only. Learned counsel for the petitioner has further submitted that the Bachelor of Arts Degree/mark-sheet awarded to the petitioner continues to remain intact, hence, the impugned order could not have been passed unless the aforesaid is cancelled or revoked. There also does not exist any justification on the part of Basic

Shiksha Adhikari to pass the order impugned basing upon the mark sheet which is still intact.

22. Learned counsel for the petitioner further submits that the appointment of the petitioner is on the basis of Special BTC Training Certificate 2008, which is also intact, therefore, his appointment could not be cancelled on non existing grounds. The power of canceling the degree awarded to the petitioner lies with the Executive Council, however, there is no such decision on the basis of which the BSA could have proceeded to pass the order impugned. The respondents have tried to justified the entire action and have passed the order impugned on the basis of inquiry report of the Inquiry Committee dated 30.09.2022, minutes of the meeting of Examination Committee dated 21.08.2024, award sheet of BA-III, 2000, report of Examination Controller dated 21.05.2024, 18.09.2024 and 14.02.2025 as well as the report of the Special Task Force dated 26.07.2014. None of the aforesaid documents so relied upon demonstrate any decision for cancelling the degree/mark sheet already awarded to the petitioner.

23. The report of the Inquiry Committee (constituted by order dated 14.10.2025) by the Examination Controller contains a recital that the said report was being forwarded to the Examination Committee for further action. The extract of the aforesaid is as follows:-

“तदनुसार जाँच समिति की आख्या परीक्षा समिति को संदर्भित है। परीक्षा समिति के निर्णयानुसार सत्यापन आख्या बेसिक शिक्षा अधिकारी, गोरखपुर और प्रभारी STF फील्ड इकाई, गोरखपुर को प्रेषित किया जाये।”

24. The Examination Committee in its meeting dated 21.08.2024 has mentioned as under:-

“16 कु० प्रीति जायसवाल पुत्री रागपत्ति गुप्ता बी० ए० एवम बी० एड दोनों के प्रकरण में गठित जाँच समिति की संस्तुति दिनांक 30/09/2022 को परीक्षा समिति के सम्मुख प्रस्तुत किये जाने पर विधर।

निर्णय समिति जाँच आख्या एवं कृत्य कार्यवाही से संसूचित हुई।”

25. From the aforesaid, it is clear that no decision has been taken by the Examination Committee which also does not have any such powers. The report of the examination controller and Special Task Force as forwarded to the Basic Shiksha Adhikari is based on an inquiry report dated 30.09.2022, which itself cannot be taken as decision of the Examination Committee.

26. As per the report of the inquiry committee dated 30.09.2022 and letters of the Examination Controller and Special Task Force, the basis for doubting correctness of the marks entered in the mark sheet of the petitioner and the tabulation register of St. Andrew's College and the tabulation register of Gorakhpur University is the award sheet (counter foil).

27. At no point of time, any inquiry has been conducted with respect to the authenticity of the tabulation sheet on the basis of which marks of the petitioner has already been verified. The authorities have casted doubt on the tabulation register of the University itself on the basis of award sheet (counter foil) which is arbitrary and without justification.

28. The aforesaid objection has been raised after a lapse of 25 years after graduation of the petitioner and it is beyond imagination to believe as to why even after lapse of 25 years the

award sheet has still not been destroyed. The impugned order is thus based on non existing grounds, therefore, is illegal, arbitrary and bad in the eyes of law.

29. The Bachelor of Arts Degree of the petitioner has been obtained in the year 2000 while the objection has been raised with respect to the aforesaid mark sheet between 2022 to 2025 years after a period of more than decades, there does not exist any justification for such belated action.

30. The only allegation which could be accepted is entering slight higher marks than the marks obtained in the IIIrd Year Bachelor of Arts. Even on the basis of the marks as shown in the tabulation sheet, the petitioner would continue to remain a pass and valid holder of graduation degree, therefore, there is no justification in passing the order impugned. A verification report of Controller of Examination dated 03.02.2014, the communication of the Principal St. Andrew's College, Gorakhpur dated 04.09.2024, 18.10.2024 as well as tabulation chart maintained by St. Andrews College, Gorakhpur as well as the Gorakhpur University and the report of examination controller dated 01.04.2024 all go to prove the correctness of the mark sheet of the petitioner.

31. Learned counsel for the petitioner further submits that even if the reduced marks of the petitioner are there an issue would arise as to how reduced marks would effect the selection/appointment of the petitioner, thus, the recovery on the basis of the aforesaid impugned order dated 28.07.2025, is also bad and not justified in the eyes of law. Hence, the impugned order is liable to be set aside.

32. Learned counsel appearing for the respondent-BSA submits that the petitioner came to be appointed as an Assistant Teacher in a Primary School pursuant to an appointment letter dated 06.02.2010. It is further contended that, subsequent to such appointment, certain doubts and suspicions arose with regard to the genuineness and authenticity of the B.A. mark-sheet purportedly issued in favour of the petitioner by St. Andrew's College, Gorakhpur, an institution affiliated with Gorakhpur University.

33. In view thereof, and in discharge of the statutory obligation to ensure the integrity of public appointments, the competent authority deemed it appropriate to initiate proceedings for verification of the said educational credentials, so as to ascertain their authenticity and veracity.

34. Learned counsel for the respondents further submits that, in order to ascertain the authenticity of the petitioner's academic credentials, the Vice-Chancellor of Deen Dayal Upadhyaya University, Gorakhpur, constituted a three-member inquiry committee to examine the genuineness of the B.A. examination mark-sheets pertaining to the academic sessions 1998–2000.

35. It is contended that, in the course of the said inquiry, the committee issued multiple notices to the petitioner, affording her adequate opportunity to appear in person and submit a written explanation. However, despite due service of notices, the petitioner neither appeared before the committee nor furnished any reply, thereby choosing not to avail the opportunity so granted.

36. It is further submitted that, upon completion of the inquiry proceedings, the committee finalized its report on 30.9.2022 and duly forwarded the same to the District Basic Education Officer, Gorakhpur, for appropriate action in accordance with law.

37. Learned counsel for the respondents further submits that, upon receipt of the aforesaid inquiry report, notices were duly issued by the District Basic Education Officer, Gorakhpur, as well as by the Inspector, STF, calling upon the petitioner to furnish her explanation and to appear for personal hearing.

38. It is contended that, instead of responding to the said notices, the petitioner preferred Writ Petition No.77 of 2025 before this Hon'ble Court, which came to be disposed of by order dated 17.02.2025. By the said order, this Hon'ble Court was pleased to grant liberty to the petitioner to submit her reply to the notice dated 19.10.2024 issued by the District Basic Education Officer, Gorakhpur, and further directed respondent no.2 to consider and decide the matter strictly in accordance with law, after duly advertent to the submissions so made by the petitioner.

39. Learned counsel for the respondents further submits that, in compliance with the order dated 17.02.2025 passed by this Hon'ble Court, the District Basic Education Officer, Gorakhpur issued a notice dated 01.03.2025 to the petitioner, calling upon her to submit her reply to the allegations levelled against her.

40. It is contended that, in response thereto, instead of furnishing a substantive explanation, the petitioner, vide letter dated 17.03.2025, merely sought supply of certain documents and failed to address the issues raised in the notice. Thereafter, a further

notice dated 27.05.2025 was issued by respondent no.6, granting yet another opportunity to the petitioner; however, she again sought adjournment and prayed for additional time to submit her reply.

41. It is further submitted that, pursuant to the subsequent notice dated 14.07.2025 issued by respondent no.6, the petitioner neither submitted any reply nor availed the opportunity of hearing extended to her.

42. In these circumstances, and after affording repeated opportunities which the petitioner failed to avail, the competent authority, being left with no alternative, proceeded to pass the order dated 28.07.2025, whereby the appointment of the petitioner was cancelled in accordance with law.

43. Learned counsel for the respondents, while defending the impugned order, submits that the same has been passed on the basis of a detailed and duly conducted inquiry, culminating in a report dated 30.9.2022 submitted by the committee constituted by Gorakhpur University.

44. It is contended that the said inquiry report, which forms the very foundation of the impugned action, has not been assailed or challenged by the petitioner at any point of time before any competent forum. Consequently, the findings recorded therein have attained finality and are binding upon the parties.

45. On the strength of the aforesaid report, it is further submitted that the petitioner's mark sheet has been conclusively found to be not genuine, and therefore, the impugned order does not suffer

from any legal infirmity warranting interference by this Hon'ble Court.

46. Learned counsel for the respondents further submits that the inquiry has unequivocally revealed that the tabulation chart of the college pertaining to the examination in question had been tampered with. It is contended that there exists clear interpolation in the marks, whereby the petitioner's score was unlawfully enhanced from 227 to 336.

47. It is further submitted that the manner and extent of such interpolation stand conclusively established from the counterfoil maintained by the University, which constitutes primary and unimpeachable evidence for ascertaining the actual marks obtained by a candidate. The said primary record, therefore, belies the authenticity of the mark sheet relied upon by the petitioner.

48. In light of the aforesaid, it is contended that the petitioner had deliberately relied upon a fabricated and manipulated mark sheet to secure appointment, and consequently, the impugned order, having been passed on the basis of cogent material and lawful inquiry, does not suffer from any illegality or infirmity warranting interference by this Hon'ble Court.

49. Learned counsel for the respondents further submits that it is a well-settled principle of law that any appointment secured on the basis of fraud or misrepresentation stands vitiated at its very inception, and such a person is not entitled to any equitable relief, sympathy, or indulgence from the Court.

50. It is contended that fraud unravels all solemn acts, and once it is established that the very foundation of appointment is tainted,

no leniency can be shown in favour of such an incumbent. In support of the aforesaid proposition, reliance has been placed upon the judgments rendered in **Krishna Kant vs. State of U.P. and others, (Writ-A No. 10029 of 2025)**, **Virendra Kumar Mishra vs. State of U.P. and 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**, **Deepa Magleena vs. State of U.P. and 4 others in Writ A No.10843 of 2025**, **Kamlesh Kumar Nirankari vs. State of U.P. and 2 Others in Writ A No.2014 of 2023** wherein it has been categorically held that a candidate who secures appointment on the strength of forged or fabricated documents cannot claim any protection in law. The similar issue has also been settled in case of **Garima Singh vs. State of U.P. and 2 Others in Writ A No.19634 of 2025**. On that issue Division Bench of this Court has also made observation in case of **Poonam Shukla vs. State of U.P. and others, 2016 (1) ADJ 225** and **Vinay Kumar Shahi vs. Deen Dayal Upadhyaya Gorakhpur University and Others in Special Appeal No.26 of 2007** that the tabulation chart is a sacred documents and no person can be permitted to make any interpolation in it.

51. Accordingly, it is submitted that the petitioner, having obtained appointment on the basis of a manipulated mark sheet, is not entitled to any relief, and the impugned order calls for no interference by this Hon'ble Court.

52. Learned counsel for the respondents submits that, in cases where an appointment has been secured by practising fraud, the requirement of affording further opportunity of hearing or entertaining delayed replies does not arise under the applicable

Rules of 1999. It is contended that once fraud is prima facie established, the principles of natural justice cannot be invoked to perpetuate an illegality or to confer any advantage upon the wrongdoer.

53. It is further submitted that the petitioner, having failed to avail repeated opportunities already extended and having been found to have procured appointment on the basis of fraudulent documents, cannot now insist upon any additional opportunity as a matter of right.

54. In view of the aforesaid, it is submitted that the present writ petition is devoid of merit and is, accordingly, liable to be dismissed.

55. Learned counsel appearing for the respondent-University submits that, upon scrutiny of the petitioner's academic records, material discrepancies and variations in the marks obtained by the petitioner were detected.

56. It is contended that, in order to afford due opportunity, several communications were issued by the University calling upon the petitioner to appear in person and furnish an appropriate explanation with respect to the said discrepancies. In response thereto, the petitioner submitted a reply dated 25.06.2021, however, the explanation so tendered was found to be wholly unsatisfactory and failed to dispel the serious doubts regarding the authenticity of the marks in question.

57. Learned counsel appearing for the respondent-University submits that a detailed counter affidavit has been filed upon due perusal of the original records of the University as well as the

inquiry report. It is contended that, upon scrutiny, it has been conclusively established that the marks recorded in respect of the petitioner for B.A. Part-I (1998, Roll No. 128685), B.A. Part-II (1999, Roll No. 109673), and B.A. Part-III (2000, Roll No. 114125) were found to have been tampered with in the tabulation register maintained at the examination centre, namely St. Andrew's College, Gorakhpur, as well as in certain corresponding University records.

58. It is further submitted that, from a perusal of the original award sheets obtained from the confidential section of the University, particularly with regard to B.A. Part-III (2000), it emerges that the petitioner had actually secured 41 marks in the first paper of Psychology, 06 marks in the second paper, 47 marks in the third paper, and 26 marks in the practical examination. Similarly, in Political Science, the petitioner had secured 42 marks in the first paper, 30 marks in the second paper, and 35 marks in the third paper.

59. However, it is contended that the mark sheet submitted by the petitioner before the office of the District Basic Education Officer reflects wholly different and inflated marks, namely 62, 51, 57, and 24 in Psychology, and 62, 72, and 62 in Political Science, respectively, thereby demonstrating a stark and unexplained variation from the original records maintained by the University. Such discrepancies, it is submitted, unmistakably establish that the mark sheet relied upon by the petitioner is forged and fabricated, and further indicate tampering with the tabulation register in collusion with certain unknown persons.

60. It is thus submitted that the B.A. mark sheet produced by the petitioner is not genuine, and the inquiry report to that effect was duly placed before the competent authority, on the basis whereof the impugned order has been passed.

61. It is further submitted that, pursuant to the directions issued by this Hon'ble Court, a communication dated 19.10.2025 was addressed to the Controller of Examinations of the University for initiating appropriate action against the erring officials. In compliance thereof, the Vice-Chancellor directed the Controller of Examinations to issue show cause notices to the staff and employees of the Examination Department who had discharged duties during the period 1998 to 2019, with a view to identify the persons responsible for the fraud.

62. It is also contended that, consequent thereto, a First Information Report came to be lodged on 21.10.2025 at Police Station Cantt, District Gorakhpur, being Case Crime No. 0584 of 2025, under Sections 419, 420, 467, 468, 471 and 120-B of the Indian Penal Code. Further, the Controller of Examinations also addressed a communication to the Principal Secretary, Department of Higher Education, requesting constitution of a Special Task Force to conduct a comprehensive inquiry into the fraud perpetrated, of which the petitioner is a direct beneficiary.

63. All the aforesaid facts, it is submitted, have been duly brought on record by means of a personal affidavit filed by the Registrar of the University, in compliance with the directions issued by this Hon'ble Court.

64. Learned counsel for the respondents submits that the Inquiry Committee, upon a meticulous examination of the academic records of the petitioner as maintained by the University, particularly the counterfoil which constitutes primary and unimpeachable evidence, has rendered a detailed report. The findings recorded therein conclusively establish, beyond any reasonable doubt, that the petitioner had consciously, deliberately, and with mala fide intent, indulged in tampering with her educational documents so as to derive undue benefit for securing appointment in the Basic Education Department.

65. It is thus contended that the B.A. mark sheet relied upon by the petitioner cannot, by any stretch of imagination, be regarded as genuine or authentic. It is further submitted that the said inquiry report, forming the very substratum of the impugned action, has neither been assailed nor challenged by the petitioner at any stage and, as such, has attained finality.

66. In view of the aforesaid, it is submitted that the petitioner is not entitled to any relief as prayed for, and the present writ petition, being devoid of merit, is liable to be dismissed.

67. Heard learned counsel for the parties and perused the records.

68. The instant writ petition has been preferred laying challenge to the order dated 28.07.2025 passed by the Basic Shiksha Adhikari, Gorakhpur, whereby the petitioner's appointment to the post of Assistant Teacher has been annulled with retrospective effect, accompanied by consequential directions for recovery of

emoluments disbursed and initiation of criminal proceedings against the petitioner.

69. The factual conspectus, shorn of superfluous details, is that the petitioner asserts to have attained educational qualifications up to the level of Bachelor of Arts, followed by B.Ed., and thereafter completing the Special BTC Training Course, in the year 2008. On the strength of the aforesaid credentials, she came to be appointed as an Assistant Teacher in the year 2010.

70. It is not in dispute that subsequent to her appointment, certain complaints came to be lodged casting doubt upon the authenticity of her Bachelor of Arts marksheet, particularly with regard to the alleged inflation of marks obtained in the third year examination.

71. The matter was subjected to multifarious levels of scrutiny, encompassing verification by the University authorities, consideration of the inquiry committee report dated 30.09.2022, examination of the reports submitted by the Controller of Examinations, as well as inputs received from the Special Task Force.

72. On the basis of the aforesaid materials, repeated notices were issued to the petitioner, affording her adequate opportunity to submit her explanation with respect to the allegations pertaining to the authenticity of the Bachelor of Arts marksheet.

73. The principal submissions advanced by learned counsel for the petitioner, assailing the impugned order, are manifold.

74. Firstly, it is contended that no regular departmental inquiry, as contemplated under the U.P. Government Servant (Discipline

and Appeal) Rules, 1999, was conducted prior to the passing of the impugned order, thereby vitiating the action on account of procedural infirmity.

75. Secondly, it is urged that the petitioner's Bachelor of Arts degree has not been formally annulled or cancelled by the competent University authority, and in the absence thereof, the respondent-authorities lacked jurisdiction to invalidate the petitioner's appointment founded upon such qualification.

76. Thirdly, it is submitted that the entries contained in the tabulation register lend support to the marks claimed by the petitioner, and, therefore, any reliance placed upon the counterfoil to discredit the same is arbitrary and unsustainable in law.

77. Fourthly, it is contended that the impugned action is vitiated on account of gross and unexplained delay, inasmuch as the degree in question pertains to the year 2000, and the proceedings have been initiated after an inordinate lapse of time.

78. Lastly, it is argued that even assuming, without admitting, that there exists some discrepancy in the marks obtained, the petitioner would nonetheless retain the status of a graduate, and thus, the very foundation of the appointment cannot be said to be vitiated.

79. It has further been urged that the petitioner has rendered long years of unblemished service, which ought to be accorded due weight in equity while adjudicating the present controversy.

80. Upon consideration of the rival submissions advanced at the Bar, the following issues arise for determination before this Court:-

(i) whether the impugned action stands vitiated for want of a regular disciplinary inquiry in accordance with the applicable service rules;

(ii) whether the absence of a formal cancellation of the petitioner's degree by the competent University authority renders the impugned order unsustainable in law;

(iii) whether the findings recorded with regard to the alleged forged and manipulated marksheet suffer from perversity or legal infirmity;

(iv) whether the element of delay, coupled with the petitioner's long continuance in service, gives rise to any vested or equitable right in her favour; and

(v) whether the directions pertaining to recovery of salary and initiation of consequential proceedings are legally tenable.

81. The submission advanced on behalf of the petitioner is that a full-fledged departmental inquiry under the U.P. Government Servant (Discipline and Appeal) Rules, 1999 was a *sine qua non* for the impugned action is fundamentally misconceived and legally untenable.

82. The present case does not pertain to an instance of misconduct committed during the course of service; rather, it strikes at the very root of the petitioner's entry into service, which is alleged to have been secured on the basis of a tainted and fraudulent document. It is trite law that where the initial appointment itself is void ab initio, the employer is not obliged to undertake a detailed disciplinary inquiry akin to punitive proceedings contemplated under the service rules.

83. The Hon'ble Supreme Court has consistently enunciated the principle that fraud vitiates all solemn acts, and any appointment obtained by misrepresentation or by furnishing forged or fabricated documents is liable to be annulled without recourse to elaborate inquiry proceedings.

84. In the present case, the record reflects that the petitioner was issued repeated notices, furnished with the relevant materials, and afforded adequate opportunity to submit her explanation in respect of the allegations levelled against her. Despite the same, the petitioner has chosen to place reliance upon the tabulation chart to substantiate the correctness of her marksheet, which, in the considered opinion of this Court, is wholly misconceived.

85. In such circumstances, once it is established that the appointment was procured by playing fraud, the requirement of conducting a detailed departmental inquiry or affording any further opportunity pales into insignificance, the legal position in this regard being well settled.

86. The next limb of argument, namely, that in the absence of a formal cancellation of the degree by the University the employer is rendered powerless to act, does not commend acceptance and is liable to be rejected.

87. An employer is not only entitled, but is under a legal obligation, to satisfy itself as to whether a candidate fulfilled the prescribed eligibility conditions at the time of entry into service. Where the material on record demonstrably indicates that the marksheet relied upon by the candidate is manipulated, inconsistent, or otherwise unreliable, the employer cannot be compelled to await a formal annulment of the degree by the

University authorities. The satisfaction of the employer, arrived at on the basis of a duly conducted inquiry and founded upon cogent material, with regard to fraud or misrepresentation, is sufficient to invalidate the appointment. In the present case, as already delineated hereinabove, the impugned order has been passed upon due consideration of the inquiry reports and other relevant materials on record.

88. Consequently, the submission advanced on behalf of the petitioner in this regard is devoid of merit and does not warrant acceptance.

89. As regards the evidentiary worth of the inquiry reports, the record unequivocally discloses that the issue was examined at multiple levels by competent authorities, including the inquiry committee constituted by the University, the report of the Controller of Examinations, as well as inputs received from the Special Task Force. The consistent and unbroken thread emerging from these materials is that the marks reflected in the petitioner's marksheet do not reconcile with the original academic record, particularly the counterfoil/award sheet, which constitutes the primary evidence.

90. The contention that the tabulation register alone ought to prevail is a manifest oversimplification of the evidentiary framework. It is a settled proposition of law that where discrepancies arise between primary and secondary records, primacy must be accorded to the original record, which in the present case is the counterfoil/award sheet, from which the tabulation register is prepared. In the present case, the marks recorded in the B.A. third-year marksheet are at variance with the

counterfoil, and even the tabulation register bears signs of overwriting, thereby rendering it unreliable. A document derived from primary evidence, when itself stands vitiated by interpolation or alteration, cannot be accorded sanctity so as to override the primary record.

91. In such circumstances, it was well within the domain of the competent authority to examine all relevant records and arrive at a reasoned conclusion. This Court, in exercise of its writ jurisdiction, does not sit as an appellate forum to reappraise or reassess findings of fact, unless such findings are demonstrated to be perverse, arbitrary, or wholly unsupported by the record.

92. Learned counsel for the petitioner has failed to point out any such perversity or patent illegality in the findings so recorded and the inquiry report dated 30.09.2022 has not been challenged by the petitioner. Consequently, the challenge on this count is devoid of substance.

93. The plea advanced on behalf of the petitioner that the impugned action is vitiated on account of delay is equally devoid of merit and does not merit acceptance.

94. It is a settled proposition of law that fraud vitiates all proceedings and that there can be no limitation for the discovery and correction of a fraud. The moment such fraud comes to light, the competent authority is well within its jurisdiction to take appropriate corrective measures, irrespective of the lapse of time.

95. The mere length of service rendered by the petitioner cannot sanctify an appointment which was void ab initio. The Hon'ble Apex Court has time and again held that principles of equity

cannot be invoked to perpetuate an illegality or to confer legitimacy upon an act tainted by fraud.

96. Accordingly, the petitioner cannot claim any vested or indefeasible right on the basis of long continuance in service, when the very foundation of such continuance stands vitiated.

97. Another submission advanced on behalf of the petitioner, to the effect that even upon reduction of marks the petitioner would still satisfy the eligibility criteria, is equally misconceived and liable to be rejected.

98. The controversy at hand does not rest merely upon the question of eligibility; rather, it goes to the very integrity and sanctity of the selection process. The submission of a document reflecting inflated or manipulated marks strikes at the root of fairness, transparency, and probity in public employment.

99. Even a marginal or seemingly insignificant manipulation cannot be countenanced, for any degree of falsification amounts to fraud. Once fraud is established, the entire selection stands vitiated, irrespective of whether the candidate may otherwise have fulfilled the minimum eligibility requirements.

100. Once an appointment is held to be void ab initio, the consequential directions for recovery of salary and initiation of criminal proceedings cannot be said to be without jurisdiction or authority of law. Such consequences are the natural corollaries of an appointment founded upon fraud or misrepresentation.

101. No doubt, in exceptional circumstances, the Court, in exercise of its equitable jurisdiction, may interfere with such consequential directions; however, no such mitigating or

extraordinary circumstance has been demonstrated in the present case so as to warrant any indulgence.

102. In view thereof, the consequential directions contained in the impugned order also do not suffer from any legal infirmity. The issue in this regard stands authoritatively settled, inter alia, in the case of **Krishna Kant vs. State of U.P. & 2 Others, passed in Writ A No.10029 of 2025, 2025:AHC:186564**, wherein it has been held that once the very foundation of appointment is vitiated, all consequential actions flowing therefrom are legally sustainable.

103. Yet another submission has been advanced on behalf of the petitioner to the effect that the tabulation register constitutes the most authentic record and, therefore, any discrepancy vis-à-vis the counterfoil/award sheet ought to be disregarded.

104. Though the said contention may appear attractive at first blush, it does not withstand deeper judicial scrutiny and is liable to be rejected.

105. It is imperative to appreciate the hierarchical evidentiary value of academic records in the context of the present controversy. The counterfoil of the award sheet constitutes the original and primary record, prepared contemporaneously by the examiner at the time of evaluation, reflecting the marks actually awarded to the candidate. The tabulation register, on the other hand, is merely a compiled or derivative record, subsequently prepared on the basis of entries transcribed from such primary evidence, namely, the award sheet/counterfoil.

106. Thus, by its very nature, the counterfoil assumes the character of primary evidence, whereas the tabulation register

partakes the character of secondary or derivative evidence. The settled legal position is that where primary evidence is available, it must be accorded primacy, and any reliance upon secondary evidence must necessarily yield thereto, particularly in a situation where discrepancies between the two come to light.

107. The Hon'ble Supreme Court, in the case of **State of Bihar v. Radha Krishna Singh and others, (1983) 3 SCC 118**, has emphasized the evidentiary superiority of primary records over derivative material, holding that entries made in original records contemporaneously carry greater probative value than subsequently prepared compilations. Similarly, in **LIC of India and another v. Ram Pal Singh Bisen, (2010) 4 SCC 491**, it has been reiterated that secondary evidence cannot prevail over primary evidence when the latter is available and trustworthy.

108. In the present case, therefore, once the counterfoil/award sheet being the foundational and contemporaneous record discloses a variance with the marks reflected in the tabulation register and the marksheet relied upon by the petitioner, the latter cannot be accorded precedence so as to override the former. The contention to the contrary is, thus, legally untenable.

109. It is a well-settled principle of law that primary evidence constitutes the best evidence, and recourse to secondary evidence is permissible only in the absence of the former or under exceptional and duly explained circumstances.

110. Applying the aforesaid doctrine to the facts of the present case, once the original award sheet/counterfoil is available on record, it assumes evidentiary primacy and is required to be accorded greater probative value than any compiled register,

tabulation chart, or derivative record, which is admittedly prepared on the basis of such primary evidence itself.

111. This position assumes greater significance in the present case, where the tabulation chart, apart from being a secondary record, is also tainted by overwriting and interpolation, thereby further eroding its credibility. In such circumstances, no reliance can be placed upon a derivative record so as to override or displace the sanctity of the primary record.

112. Accordingly, the counterfoil/award sheet, being the best evidence available, must prevail.

113. In the present case, the entire controversy centres around the discrepancy between the marks recorded in the petitioner's marksheet and those reflected in the counterfoil/award sheet. The petitioner seeks to place reliance upon the tabulation register, contending that it corroborates the marks claimed by her. However, such reliance is wholly misplaced and legally untenable for the reasons noted hereinafter.

114. The tabulation register is admittedly a derivative record, prepared on the basis of entries transcribed from the counterfoil/award sheet. If the primary source itself reflects marks at variance with those recorded in the marksheet, any subsequent entry inconsistent therewith is rendered inherently suspect and devoid of probative value.

115. Acceptance of the tabulation register in preference to the counterfoil would amount to elevating a derivative record above its very source, which is impermissible in law and contrary to settled principles of evidence. It is, therefore, axiomatic that the

authenticity of the marks must be tested at the level of the original and contemporaneous record, namely, the award sheet/counterfoil.

116. Once a discrepancy stands established between the entries recorded in the counterfoil, being the primary and contemporaneous record, and those reflected in the mark sheet produced by the petitioner, the only logical and legally sustainable inference that emerges is that the mark sheet does not constitute a faithful or accurate reflection of the marks actually awarded.

117. Such a divergence, in the absence of a plausible and satisfactory explanation, inevitably gives rise to a presumption that the document relied upon by the petitioner is either not genuine or has been subjected to interpolation or manipulation. The evidentiary value of the counterfoil, being the foundational record, cannot be diluted by a subsequent document which is demonstrably inconsistent with it.

118. In the case at hand, the petitioner has conspicuously failed to furnish any cogent, credible, or convincing explanation so as to reconcile the apparent inconsistency between the primary record and the mark sheet in question. The absence of any such explanation fortifies the conclusion that the mark sheet relied upon by the petitioner lacks authenticity and cannot be accorded any evidentiary credence.

119. Placing reliance upon the proceedings of the Examination Committee dated 21.08.2024, it is evident that the inquiry report dated 30.9.2022 was merely placed before the Committee for its consideration. The minutes unequivocally record that no decision was taken by the Examination Committee on the said report.

120. In such circumstances, the impugned order, having been passed solely on the basis of the aforesaid inquiry report without there being any deliberation, approval, or decision by the competent Examination Committee cannot be sustained in the eyes of law. The absence of a formal decision by the competent body renders the reliance upon the said report wholly untenable and legally unsustainable.

121. Accordingly, where the statutory or competent authority has consciously refrained from arriving at any conclusion on the inquiry report, any action founded exclusively thereupon stands vitiated, being arbitrary and devoid of due application of mind.

122. This Court is of the considered opinion that a detailed counter affidavit has been filed on behalf of Deen Dayal Upadhyay Gorakhpur University, Gorakhpur, through its Registrar as well as the Controller of Examinations, placing on record the entire material to demonstrate that the impugned action has been taken by the competent authority strictly in accordance with the provisions of the U.P. State Universities Act, 1973.

123. The records so produced clearly evince that a conscious and reasoned decision has been arrived at by the competent authority after due consideration of the inquiries conducted for the purpose of verifying the genuineness of the petitioner's mark sheet. The decision-making process, thus, cannot be said to suffer from any procedural irregularity or legal infirmity.

124. In view thereof, the submission advanced on behalf of the petitioner that no decision was taken by the Examination Committee on the earlier report is wholly misconceived and devoid of merit. Such an argument does not withstand judicial

scrutiny and, in fact, has no legs to stand in the face of the material placed on record.

125. Learned counsel for the petitioner has placed reliance upon the judgment of the Hon'ble Supreme Court in **Mansaram v. S.P. Pathak and others, 1984 (1) SCC 125** wherein it has been observed that the exercise of statutory powers must be undertaken within a reasonable time, and that inordinate and unexplained delay may render such action legally unsustainable.

126. However, the aforesaid judgment is clearly distinguishable and has no application to the facts of the present case. It is a settled proposition of law that fraud vitiates all solemn acts, and that no limitation operates against fraud. The discovery of fraud at any stage confers jurisdiction upon the competent authority to take appropriate corrective measures.

127. The Hon'ble Apex Court has consistently held that equity cannot be invoked to perpetuate an illegality, nor can a person be permitted to derive benefit from a fraudulent act. Once fraud is detected, the authorities are not only empowered but duty-bound to initiate inquiry and take consequential action, irrespective of the lapse of time.

128. In such circumstances, the principle of "reasonable time" as enunciated in **Mansaram (supra)** pales into insignificance, inasmuch as the present case pertains to allegations of fraud, where the overriding consideration is to uphold the sanctity of public records and prevent abuse of process.

129. Accordingly, the reliance placed by the petitioner upon the aforesaid judgment is misplaced and does not advance his case in any manner.

130. The judgment in **Radhe Shyam Yadav & Another v. State of Uttar Pradesh & Others, (2024) 11 SCC 770**, as relied upon by learned counsel for the petitioner, enunciates authoritative principles governing fraudulent appointments, suppression of material facts, and the legal consequences flowing therefrom in matters of public employment.

131. The ratio of the said decision may be succinctly encapsulated thus: an appointment secured by practicing fraud or on the basis of forged or fabricated documents is void ab initio. Such foundational illegality is incurable and cannot be sanctified by the mere efflux of time. Equitable considerations, including long years of service or alleged hardship, are wholly inapplicable and cannot be invoked to shield or legitimize an inherently void appointment.

132. The Hon'ble Apex Court has further held that the employer retains the inherent authority to annul such an appointment at any stage upon detection of fraud, and the doctrines of delay and laches do not operate as a bar in such cases.

133. The said judgment thus reinforces the settled legal position that fraud vitiates all solemn acts, and any benefit obtained by deceit is liable to be withdrawn irrespective of the passage of time or length of service rendered by the beneficiary.

134. Placing reliance upon the judgment in **Riyazul Hasan v. State of Uttar Pradesh & Others, 2025:AHC:223273**, learned counsel for the petitioner has contended that no regular departmental inquiry

has been conducted, despite the petitioner being a duly appointed permanent teacher. It is thus urged that the impugned order stands vitiated for non-compliance with the procedure prescribed under the relevant statutory framework, including the Rules of 1999 and the U.P. Basic Education Staff Service Rules, 1973, and is consequently arbitrary and violative of the principles of natural justice.

135. The submission, however, is misconceived and untenable in the facts of the present case.

136. It is by now a well-settled principle of law that fraud vitiates all solemn acts, and any appointment obtained on the basis of forged or fabricated documents is void ab initio. In such cases, the very foundation of the appointment being non est, the requirement of holding a full-fledged departmental inquiry pales into insignificance.

137. The Hon'ble Supreme Court in **A.P. State Financial Corporation v. M/S GAR Re-Rolling Mills and another**, (1994) 2 SCC 647 and **S.P. Chengalvaraya Naidu v. Jagannath**, (1994) 1 SCC 1 has categorically held that a person who has obtained any benefit by practicing fraud is not entitled to any equitable relief, and such an act renders the transaction a nullity in the eyes of law.

138. Further, in the case of **R. Vishwanatha Pillai v. State of Kerala and others**, (2004) 2 SCC 105, the Hon'ble Apex Court held that where an appointment is secured on the basis of a false caste certificate, the same is void from inception, and no opportunity of hearing or detailed inquiry is required prior to cancellation, as the incumbent had no legal right to the post.

139. Similarly, in the case of **Bank of India and another v. Avinash D. Mandivikar and others**, (2005) 7 SCC 690, it was held that an employee who obtains appointment by producing false documents cannot claim protection of natural justice to perpetuate such illegality.

140. The principle has been reiterated in **Chairman and Managing Director, FCI and others v. Jagdish Balaram Bahira and others**, (2017) 8 SCC 670 wherein it has been held that once fraud is established, the question of affording further opportunity becomes irrelevant, as the appointment itself is void.

141. In view of the aforesaid settled legal position, this Court is of the considered opinion that no detailed departmental inquiry or prior opportunity of hearing is mandatorily required in cases where the appointment is founded upon forged or non-genuine documents, and the fraud stands substantiated on the basis of objective material on record.

142. The writ Court, in exercise of its jurisdiction under Article 226 of the Constitution of India, would not ordinarily interfere with such action unless it is demonstrated that the decision is perverse, wholly arbitrary, or based on no evidence whatsoever. In the present case, no such infirmity has been established.

143. Accordingly, the contention raised by the petitioner, premised upon alleged violation of procedural safeguards, is devoid of merit and liable to be rejected.

144. In view of the foregoing discussion, this Court is of the considered opinion that the impugned order does not suffer from any illegality, arbitrariness, or perversity so as to warrant

interference in exercise of jurisdiction under Article 226 of the Constitution of India.

145. Accordingly, the writ petition, being devoid of merit, is liable to be dismissed and is hereby **dismissed**.

(Mrs. Manju Rani Chauhan,J.)

April, 3, 2026

Rahul Goswami