



2026:CGHC:13854

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Order Reserved on 17.03.2026

Order Delivered on 23.03.2026

Order Uploaded on 24.03.2026

WPS No. 6609 of 2025

Seetaram Sahu S/o Shri Premal Sahu Aged About 46 Years Chiraigodi, Post-B. Jamgaon, Tehsil And District- Balod (C.G.), The Then Posted As Teacher (L.B.), Govt. Middle School- Karmari, Block- Baderajpur, District- Kondagaon (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Its Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, Raipur (C.G.)

2 - Joint Director Education Division Bastar, Jagdalpur District- Bastar (C.G.), Indrawati Bhawan, Nawa Raipur, Atal Nagar, Raipur (C.G.)

3 - Collector Kondagaon, District- Kondagaon (C.G.)

4 - District Education Officer Kondagaon, District- Kondagaon (C.G.)

5 - Block Education Officer Block- Baderajpur, District- Kondagaon (C.G.)

6 - Chief Executive Officer Jila Panchayat Bastar, Jagdalpur, District- Bastar (C.G.)

... Respondent(s)

For Petitioner	: Mr. Pawan Shrivastava, Advocate
For Respondents/State	: Mr. Ajay Kumrani, Panel Lawyer

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

CAV Order

1. Facts relevant for disposal of this writ petition are that petitioner was appointed on the post of Shikshakarmi Grade-II on probation for a period of 3 years vide order dated 06.12.2007. He was confirmed on the post of Shikshakarmi Grade-II. He thereafter continuously worked as Shikshakarmi Grade-II. His services were terminated vide order dated 07.06.2024 (Annexure P-1).
2. Learned counsel for the petitioner would submit that petitioner after his appointment on the post of Shikshakarmi Grade-II on probation, upon successfully completion of probation period, he was confirmed in service vide order dated 24.08.2011. Petitioner was a permanent employee. However, order of termination is passed without following due process of law i.e. initiating departmental enquiry against him by issuing charge memo framing charges against him. Termination of service of petitioner in absence of full-fledged departmental enquiry is in violation of principles of natural justice and therefore order of termination be quashed. In support of his contention, he places reliance upon decision in case of **Sandeep Kumar Vs. GB Pant**

Institute of Engineering and Technology Ghurdauri & Ors. [SLP (C) No.8788-8789 of 2023, decided on 16.04.2024] and decision of this Court in case of **Rajesh Kumar Deshmukh Vs. State of Chhattisgarh & Ors.** (WPS No.3003 of 2016, decided on 26.11.2024), **Mithai Lal Dhruw Vs. State of Chhattisgarh & Ors.** (WPS No.3031 of 2016, decided on 21.03.2023), **Niranjan Prasad Raisagar Vs. State of Chhattisgarh & Ors.**, (WPS No.6658 of 2021 decided on 04.12.2025), **Md. Arshad Khan Vs. State of Chhattisgarh & Ors.** (WPS No.8967 of 2023, decided on 19.09.2025), **Smt. Manju Bhagat Vs. State of Chhattisgarh & Ors.** (WPS No.1477 of 2025, decided on 27.02.2025), **Deepak Dhara Vs. State of Chhattisgarh & Ors.**, (WPS No.5328 of 2016, decided on 06.01.2025), **Yaad Das Sahu Vs. State of Chhattisgarh & Ors.** (WPS No.8212 of 2023, decided on 03.01.2025), **Digambar Chandrakar Vs. State of Chhattisgarh & Ors.** (WPS No.4969 of 2015, decided on 22.08.2024).

3. Learned counsel for the respondent-State would vehemently oppose submission of learned counsel for the petitioner and would submit that writ petition is not maintainable as petitioner is having alternate remedy of appeal under Rule 23 of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966 . He submits that upon getting knowledge about petitioner obtaining employment based on forged mark-sheet, it was enquired into. Petitioner was given notice to appear in person along with relevant documents before the authority on 20.05.2024 and 24.05.2024. Respondent authority has also verified the mark-sheet of B.Ed. from Pt. Ravishankar Shukla University, Raipur, and according to letter written by Dy. Registrar of

the University name of student (petitioner) mentioned in the University's record (tabulation and chart) is not matching with the particulars of student mentioned in the mark-sheet and further mentioned that mark-sheet sent for verification is not issued by the University. Based on the said letter of University, petitioner was given notice for appearing and after giving him opportunity of hearing, order was passed. Therefore there is no violation of principles of natural justice in the facts of case. He also contended that in the facts of case, regular departmental enquiry is not required.

4. I have heard learned counsel for the parties, perused pleadings made in writ petition as also reply and documents enclosed therein.
5. Perusal of pleadings made in writ petition would show that petitioner has not challenged/questioned the reason assigned in terminating services i.e. mark-sheet submitted by petitioner of B.Ed. is found to be forged document. In the writ petition, petitioner has only raised a ground of violation of principle of natural justice as no departmental enquiry has been initiated against the petitioner who is a regular appointee.
6. In the order impugned Annexure P-1 it is clearly mentioned that pursuant to notice dated 24.05.2024 petitioner appeared before the authority on 27.05.2024. In the impugned order, it is also mentioned that before the authority petitioner stated that he obtained employment based on B.Ed. certificate produced by him at the time of appointment; he is having no other mark-sheet of B.Ed. From the contents of order it is appearing that petitioner was given notice based upon which he appeared, submitted reply and he was also

given personal hearing and therefore submission of learned counsel for the petitioner that order Annexure P-1 was passed without giving proper opportunity of hearing is not sustainable in the eyes of law. Along with reply, respondents have submitted letter issued by Pt. Ravishankar Shukla University, Raipur dated 21.06.2023 in which it is clearly mentioned that particulars of student (petitioner) mentioned in the mark-sheet is not in accordance with the particulars of student available in record (tabulation and chart) of University. It is further mentioned in the letter of verification, that enclosed mark-sheet is not issued by the University. Perusal of letter would show that it is in reference to mark-sheet of B.Ed. in name of petitioner Seetaram Sahu also along with two others.

7. Admittedly, petitioner has not challenged the order of termination on merits that the mark-sheet submitted by petitioner of B.Ed. stating it to be not forged document but, in writ petition he has only taken a plea that order of termination Annexure P-1 is bad in law only because principle of natural justice is not followed.
8. In case of **State of UP Vs. Sudhir Kumar Singh** (2021) 19 SCC 706, Hon'ble Supreme Court while considering the plea of following rule of '*audi alteram partem*', has observed as under:

“42. An analysis of the aforesaid judgments thus reveals:

42.1 Natural justice is a flexible tool in the hands of the judiciary to reach out in fit cases to remedy injustice. The breach of the audi alteram partem rule cannot by itself, without more, lead to the conclusion that prejudice is thereby caused.

42.2. Where procedural and/or substantive provisions of law embody the principles of natural justice, their infraction per se does not lead to invalidity of the orders passed. Here again, prejudice must be caused to the litigant, except in the case of a mandatory provision of law which is conceived not only in individual interest, but also in public interest.

42.3 No prejudice is caused to the person complaining of the breach of natural justice where such person does not dispute the case against him or it. This can happen by reason of estoppel, acquiescence, waiver and by way of non-challenge or non-denial or admission of facts, in cases in which the Court finds on facts that no real prejudice can therefore be said to have been caused to the person complaining of the breach of natural justice.

42.4. In cases where facts can be stated to be admitted or indisputable, and only one conclusion is possible, the Court does not pass futile orders of setting aside or remand when there is, in fact, no prejudice caused. This conclusion must be drawn by the Court on an appraisal of the facts of a case, and not by the authority who denies natural justice to a person.

42.5 The “prejudice” exception must be more than a mere apprehension or even a reasonable suspicion of a litigant. It should exist as a matter of fact, or be based upon a definite inference of likelihood of prejudice flowing from the non-observance of natural justice.”

9. In case of **Dharampal Satyapal Ltd. Vs. Deputy Commissioner of Central Excise, Gauhati and Ors.** (2015) 8 SCC 519, Hon'ble

Supreme Court while considering plea of violation of principle of natural justice, has observed thus:

“20. Natural justice is an expression of English Common Law. Natural justice is not a single theory – it is a family of views. In one sense administering justice itself is treated as natural virtue and, therefore, a part of natural justice. It is also called 'naturalist' approach to the phrase 'natural justice' and is related to 'moral naturalism'. Moral naturalism captures the essence of commonsense morality – that good and evil, right and wrong, are the real features of the natural world that human reason can comprehend. In this sense, it may comprehend virtue ethics and virtue jurisprudence in relation to justice as all these are attributes of natural justice. We are not addressing ourselves with this connotation of natural justice here.

21. In Common Law, the concept and doctrine of natural justice, particularly which is made applicable in the decision making by judicial and quasi- judicial bodies, has assumed different connotation. It is developed with this fundamental in mind that those whose duty is to decide, must act judicially. They must deal with the question referred both without bias and they must given to each of the parties to adequately present the case made. It is perceived that the practice of aforesaid attributes in mind only would lead to doing justice. Since these attributes are treated as natural or fundamental, it is known as 'natural justice'. The principles of natural justice developed over a period of time and which is still in vogue and valid even today were: (i) rule against bias, i.e. *nemo iudex in causa sua*; and (ii) opportunity of being heard to the concerned party, i.e. *audi alteram partem*. These are known as principles of natural justice. To these principles a third principle is added, which is of recent

origin. It is duty to give reasons in support of decision, namely, passing of a 'reasoned order'.

x x x

38. But that is not the end of the matter. While the law on the principle of audi alteram partem has progressed in the manner mentioned above, at the same time, the Courts have also repeatedly remarked that the principles of natural justice are very flexible principles. They cannot be applied in any straight-jacket formula. It all depends upon the kind of functions performed and to the extent to which a person is likely to be affected. For this reason, certain exceptions to the aforesaid principles have been invoked under certain circumstances. For example, the Courts have held that it would be sufficient to allow a person to make a representation and oral hearing may not be necessary in all cases, though in some matters, depending upon the nature of the case, not only full-fledged oral hearing but even cross-examination of witnesses is treated as necessary concomitant of the principles of natural justice. Likewise, in service matters relating to major punishment by way of disciplinary action, the requirement is very strict and full-fledged opportunity is envisaged under the statutory rules as well. On the other hand, in those cases where there is an admission of charge, even when no such formal inquiry is held, the punishment based on such admission is upheld. It is for this reason, in certain circumstances, even post-decisional hearing is held to be permissible. Further, the Courts have held that under certain circumstances principles of natural justice may even be excluded by reason of diverse factors like time, place, the apprehended danger and so on.

x x x

40. In this behalf, we need to notice one other exception which has been carved out to the aforesaid

principle by the Courts. Even if it is found by the Court that there is a violation of principles of natural justice, the Courts have held that it may not be necessary to strike down the action and refer the matter back to the authorities to take fresh decision after complying with the procedural requirement in those cases where non-grant of hearing has not caused any prejudice to the person against whom the action is taken. Therefore, every violation of a facet of natural justice may not lead to the conclusion that order passed is always null and void. The validity of the order has to be decided on the touchstone of 'prejudice'. The ultimate test is always the same, viz., the test of prejudice or the test of fair hearing.

x x x

44. At the same time, it cannot be denied that as far as Courts are concerned, they are empowered to consider as to whether any purpose would be served in remanding the case keeping in mind whether any prejudice is caused to the person against whom the action is taken. This was so clarified in ECIL [(1993) 4 SCC 727: 1993 SCC (L&S) 1184: (1993) 25 ATC 704] itself in the following words: (SCC p. 758, para 31):

“31. Hence, in all cases where the enquiry officer's report is not furnished to the delinquent employee in the disciplinary proceedings, the Courts and Tribunals should cause the copy of the report to be furnished to the aggrieved employee if he has not already secured it before coming to the Court/Tribunal and given the employee an opportunity to show how his or her case was prejudiced because of the non-supply of the report. If after hearing the parties, the Court/Tribunal comes to the conclusion that the non-supply of the report would have made no difference to the ultimate findings and the punishment given, the Court/Tribunal should not interfere with the order of punishment. The Court/Tribunal should not mechanically set aside the order of punishment on the ground that the report

was not furnished as it regrettably being done at present. The courts should avoid resorting to short cuts. Since it is the Courts/Tribunals which will apply their judicial mind to the question and give their reasons for setting aside or not setting aside the order of punishment, (and not any internal appellate or revisional authority), there would be neither a breach of the principles of natural justice nor a denial of the reasonable opportunity. It is only if the Court/Tribunal finds that the furnishing of the report would have made a difference to the result in the case that it should set aside the order of punishment.”

10. In case of **State of Chhattisgarh & Ors. Vs. Dhirjo Kumar Sengar** (2009) 13 SCC 600, Hon’ble Supreme Court while dealing with the case of fraud to obtain appointment has held as under:

"18. Legality of grant of a valid appointment was dependent upon the proof that the respondent was the adopted son of Chittaranjan Singh Sengar. He not only failed to do so, the materials brought on record by the parties would clearly suggest otherwise. His application for grant of appointment on compassionate ground was rejected by the Joint Director of Education. He did not question the legality or validity thereof. He, it can safely be said, by suppressing the said fact obtained the offer of appointment from an authority which was lower in rank than the Joint Director viz. the Deputy Director. When such a fact was brought to the notice of the Deputy Director that the offer of appointment had been obtained as a result of fraud practised on the Department, he could, in our opinion, cancel the same.

19. The respondent keeping in view the constitutional scheme has not only committed a fraud on the Department but also committed a

fraud on the Constitution. As commission of fraud by him has categorically been proved, in our opinion, the principles of natural justice were not required to be complied with."

11. Hon'ble Supreme Court in case of **Meghmala & Ors. Vs. G. Narsimha Reddy & Ors** (2010) 8 SCC 383, considering consequence of fraud played by a party, has held thus:

“28. It is settled proposition of law that where an applicant gets an order/office by making misrepresentation or playing fraud upon the competent Authority, such order cannot be sustained in the eyes of law. "Fraud avoids all judicial acts ecclesiastical or temporal." (Vide S.P. Chengalvaraya Naidu (dead) by L.Rs. Vs. Jagannath (dead) by L.Rs. & Ors. AIR 1994 SC 853). In Lazarus Estate Ltd. Vs. Besalay 1956 All. E.R. 349), the Court observed without equivocation that "no judgment of a Court, no order of a Minister can be allowed to stand if it has been obtained by fraud, for fraud unravels everything."

29 . In Andhra Pradesh State Financial Corporation Vs. M/s. GAR Re-Rolling Mills & Anr. AIR 1994 SC 2151; and State of Maharashtra & Ors. Vs. Prabhu (1994) 2 SCC 481. this Court observed that a writ Court, while exercising its equitable jurisdiction, should not act as to prevent perpetration of a legal fraud as the courts are obliged to do justice by promotion of good faith. "Equity is, also, known to prevent the law from the crafty evasions and sub-letties invented to evade law."

30. In Smt. Shrisht Dhawan Vs. Shaw Brothers.

AIR 1992 SC 1555, it has been held as under:-

“20. Fraud and collusion vitiate even the most solemn proceedings in any civilised system of jurisprudence. It is a concept descriptive of human conduct.”

31. In *United India Insurance Co. Ltd. Vs. Rajendra Singh & Ors.* AIR 2000 SC 1165, this Court observed that "Fraud and justice never dwell together" (*fraus et jus nunquam cohabitant*) and it is a pristine maxim which has never lost its temper over all these centuries.

32. The ratio laid down by this Court in various cases is that dishonesty should not be permitted to bear the fruit and benefit to the persons who played fraud or made misrepresentation and in such circumstances the Court should not perpetuate the fraud. (See *District Collector & Chairman, Vizianagaram Social Welfare Residential School Society, Vizianagaram & Anr. Vs. M. Tripura Sundari Devi* (1990) 3 SCC 655; *Union of India & Ors. Vs. M. Bhaskaran* (1995) Suppl. 4 SCC 100; *Vice Chairman, Kendriya Vidyalaya Sangathan & Anr. Vs. Girdharilal Yadav* (2004) 6 SCC 325; *State of Maharashtra v. Ravi Prakash Babulalsing Parmar* (2007) 1 SCC 80; *Himadri Chemicals Industries Ltd. Vs. Coal Tar Refining Company* AIR 2007 SC 2798; and *Mohammed Ibrahim & Ors. Vs. State of Bihar & Anr.* (2009) 8 SCC 751).

33. Fraud is an intrinsic, collateral act, and fraud of an egregious nature would vitiate the most solemn proceedings of courts of justice. Fraud is an act of deliberate deception with a design to secure something, which is otherwise not due. The expression "fraud" involves two elements, deceit and injury to the person deceived. It is a cheating intended to get an advantage. (Vide *Dr. Vimla Vs.*

Delhi Administration AIR 1963 SC 1572; Indian Bank Vs. Satyam Fibres (India) Pvt. Ltd. (1996) 5 SCC 550; State of Andhra Pradesh Vs. T. Suryachandra Rao AIR 2005 SC 3110; K.D. Sharma Vs. Steel Authority of India Ltd. & Ors. (2008) 12 SCC 481; and Regional Manager, Central Bank of India Vs. Madhulika Guruprasad Dahir & Ors. (2008) 13 SCC 170.”

12. Hon'ble Supreme Court while dealing with case of **Regional Manager, Central Bank of India Vs. Madhulika Guruprasad Dahir & Ors.** (2008) 13 SCC 170 while considering the case of a person who obtained appointment on the basis of false caste certificate observed that fraud vitiates everything and if a person continued to work on the post for over 20 years then also he cannot claim any equity or benefit on that basis. Relevant paragraph of aforementioned decision is extracted below:

“14. Similarly, the plea regarding rendering of services for a long period has been considered and rejected in a series of decisions of this Court and we deem it unnecessary to launch an exhaustive dissertation on principles in this context. It would suffice to state that except in the a few decisions, where was not cancelled admission/appointment because of peculiar factual matrix obtaining therein, the consensus of judicial opinion is that equity, sympathy or generosity has no place where the original appointment rests on a false caste certificate. A person who enters the service by producing a false caste certificate and obtains appointment to the post meant for a Scheduled Caste or Scheduled Tribe or OBC, as the case may be, deprives a genuine candidate falling in either of the said categories, of

appointment to that post, and does not deserve any sympathy or indulgence of this Court. He who comes to the Court with a claim based on falsity and deception cannot plead equity nor the Court would be justified to exercise equity jurisdiction in his favour.

15. An act of deliberate deception with a design to secure something, which is otherwise not due, tantamounts to fraud. Fraud is a conduct either by letter or words, which induces the other person or authority to take a definite determinative stand as a response to the conduct of the former either by words or letter. (See R. Vishwanatha Pillai v. State of Kerala ((2004) 2 SCC 105 2004 SCC (L&S) 350) Bank of India ((2005) 7 SCC 690: 2005 SCC (L&S) 1011), BHEL ((2007) 5 SCC 336: (2007) Derry v. Peek [(1889) 14 AC 337: (1886-90) (L&S) 1521 All ER Rep 1 (HL)], Ram Preeti Yadav v. U.P. Board of High School and Intermediate Education [(2003) 8 SCC 311] and Bhaurao Dagdu Paralkar v. State of Maharashtra [(2005) 7 SCC 605]) .

16. In Ram Chandra Singh v. Savitri Devi [(2003) 8 SCC 319] this Court had observed that fraud is anathema to all equitable principles and any affair tainted with fraud cannot be perpetuated or saved by the application of any equitable doctrine.

17. Recently, in State of Maharashtra v. Ravi Prakash Babulalsing Parmar [(2007) 1 SCC 80 : (2007) 1 SCC (L&S) 5] dealing with a similar situation, this Court has observed thus: (SCC p. 89, para 23)

"23. The makers of the Constitution laid emphasis on equality amongst citizens. The Constitution of India provides for protective discrimination and reservation so as to enable the disadvantaged group to come on the same platform as that of the forward community. If and when a person takes an undue advantage of the

said beneficent provision of the Constitution by obtaining the benefits of reservation and other benefits provided under the Presidential Order although he is not entitled thereto, he not only plays a fraud on the society but in effect and substance plays a fraud on the Constitution. When, therefore, a certificate is granted to a person who is not otherwise entitled thereto, it is entirely incorrect to contend that the State shall be helpless spectator in the matter."

18. Having considered the matter in the light of the aforestated legal position, in our judgment, the decision of the High Court is untenable. As noted supra, the employee having accepted the finding of the Scrutiny Committee, holding that the caste certificate furnished by the employee was false, the very foundation of her appointment vanished and her appointment was rendered illegal. Her conduct renders her unfit to be continued in service and must necessarily entail termination of her service. Under these circumstances, there is absolutely no justification for her claim in respect of the post merely on the ground that she had worked on the post for over twenty years. The post was meant for a reserved candidate but she usurped the same by misrepresentation and deception. In our opinion, the fact that caste certificate was referred to the Scrutiny Committee for verification after ten years of her joining the service and a long time was taken by the Scrutiny Committee to verify the same is of no consequence inasmuch as delay on both the counts does not validate the caste certificate and the consequent illegal appointment."

13. A person who had obtained job by playing fraud upon employer by

placing on record forged document cannot be held to be a person holding civil post within the meaning of Article 311 of Constitution of India and therefore while dismissal of a person appointed by illegal means like playing fraud, as the case in hand, in such a situation Article 311 of Constitution will not be attracted. Hon'ble Supreme Court in case of **R.Vishwanatha Pillai Vs. State of Kerala and Ors.** (2004) 2 SCC 105 has observed thus:

“**15.** This apart, the appellant obtained the appointment in the service on the basis that he belonged to a Scheduled Caste community. When it was found by the Scrutiny Committee that he did not belong to the Scheduled Caste community, then the very basis of his appointment was taken away. His appointment was no appointment in the eyes of law. He cannot claim a right to the post as he had usurped the post meant for a reserved candidate by playing a fraud and producing a false caste certificate. Unless the appellant can lay a claim to the post on the basis of his appointment he cannot claim the constitutional guarantee given under the Article 311 of the Constitution. As he had obtained the appointment on the basis of a false caste certificate he cannot be considered to be a person who holds a post within the meaning of Article 311 of the Constitution of India. Finding recorded by the Scrutiny Committee that the appellant got the appointment on the basis of false caste certificate has become final. The position, therefore, is that the appellant has usurped the post which should have gone to a member of the Scheduled Caste. In view of the finding recorded by the Scrutiny Committee and upheld upto this Court he has disqualified himself to hold the post. Appointment was void from its inception. It cannot be said that the said void appointment would enable the appellant to claim

that he was holding a civil post within the meaning of Article 311 of the Constitution of India. As appellant had obtained the appointment by playing a fraud he cannot be allowed to take advantage of his own fraud in entering the service and claim that he was holder of the post entitled to be dealt with in terms of Article 311 of the Constitution of India or the Rules framed thereunder. Where an appointment in a service has been acquired by practising fraud or deceit such an appointment is no appointment in law, in service and in such a situation Article 311 of the Constitution is not attracted at all.”

14. Hon'ble Supreme Court in its recent decision in case of **Commissioner of Police & Ors. Vs. Ex. CT. Vinod Kumar** [SLP (C) No.24705 of 2023, decided on 12th November 2025] was dealing with the issue of obtaining appointment by respondent therein on the post of Constable in Delhi Police based on forged and fabricated degree/certificate, has observed thus:

“8. Having considered the matter, we have no hesitation in holding that the orders passed by the CAT as well as by the High Court are unsustainable. The fact that once on the basis of a forged degree/certificate, a person gets appointment in the uniformed service of the country, that being the police, which is supposed to uphold the rule of law, the act of the respondent is uncondonable. The further fact which is admitted is that there is absolutely, no rebuttal by the respondent that the certificate/degree presented by him before the appellants at the time of his appointment and on the basis of which, he was appointed as a Constable, is genuine. Having perused the original records and the letter from the issuing authority which categorically

stating that the degree/certificate in question is forged and fabricated leaves no doubt that such fact cannot be controverted. Thus, no holding of a departmental inquiry in the particular facts and circumstances of the present case may not be a factor to vitiate the final order of dismissal from service passed against the respondent. Thus, on this short point, the appeal is allowed and the order of the CAT as affirmed by the High Court stands set aside. The punishment of dismissal from service awarded to the respondent by the concerned appellants stand restored. No order as to cost.”

15. Reverting back to facts of case, petitioner who was initially appointed as Shikshakarmi Grade-II and after his absorption he was working on the post of Teacher, has been found to have obtained initial appointment of Shikshakarmi Grade-II by submitting forged mark-sheet of B.Ed.. Certificate submitted by petitioner was got verified from the University which is stated to have been issued the said mark sheet. The University after verification of mark -sheet placed before it with its own original record have mentioned that particulars of students mentioned in mark-sheet and available in record of University is not matching, mark-sheet is not issued by the University. Thereafter, petitioner was issued notice, given opportunity of hearing . He appeared in person, submitted his reply and also made oral submission before the authority stating that he is having no other mark-sheet. The employment obtained is by playing fraud, and therefore, in the facts of case it cannot be said that order terminating his services is passed without giving any opportunity of hearing.
16. The decisions relied upon by learned counsel for the petitioner in

cases of **Sandeep Kumar** (supra), **Rajesh Kumar Deshmukh** (supra), **Mithai Lal Dhruw** (supra), **Niranjan Prasad Raisagar** (supra), **Md. Arshad Khan** (supra), **Smt. Manju Bhagat** (supra), **Deepak Dhara** (supra), **Yaad Das Sahu** (supra), **Digambar Chandrakar** (supra) are on different facts and not applicable to the facts of case.

17. In case of **Sandeep Kumar** (supra), appellant therein was appointed on the post of Registrar on a probation of two years. His services were terminated taking note of the fact that some complaints were pending against the appellant. A Committee was constituted to scrutinize the complaints and Committee in its report opined that appellant fulfilled the eligibility criteria for being appointed on the post of Registrar. In those facts of case, Hon'ble Supreme Court observed that decision to terminate the services of appellant therein from the post of Registrar was not preceded by an opportunity to show cause or any sort of disciplinary proceeding.
18. In case of **Rajesh Kumar Deshmukh** (supra), facts are that petitioner therein was appointed on the post of Peon. After his appointment he moved an application before the concerned authority seeking grant of earned leave for the period commencing w.e.f. 27.04.2016 to 07.05.2016 as is his marriage was to be solemnized. His application was filed/closed stating that he was not entitled to get earned leave. Since the petitioner was absent from his duties for period of 20 days a show cause notice was issued to him which was replied stating that he was not aware that he is not entitled to get earned leave nor was aware about rejection of his application and tendered his apology. However, his serves were terminated. In the

said facts of case, his writ petition was allowed observing that order of termination was stigmatic and it has been passed without subjecting to regular enquiry.

19. Case of **Mithai Lal** (supra) is also on different facts. In that case, the pleading of petitioner is that petitioner was not appointed because he being a member of Scheduled Tribe community and therefore cancellation of caste certificate issued in his favour itself will not be sufficient to pass impugned order terminating services of petitioner. Further ground raised was that respondent No.2 therein had not issued any show cause notice to petitioner to submit reply/explanation from the part of petitioner . In the case at hand, petitioner was issued show cause notice. He submitted reply and has also accepted that he is not in possession of any other mark-sheet of B.Ed. and upon verification from Pt. Ravishankar Shukla University, Raipur, B.Ed. mark-sheet was not found to be issued from the University and description and details mentioned therein of the student is also not tallying with the records of University.
20. In case of **Niranjan Prasad Raisagar** (supra), no show cause notice was issued to petitioner therein and in case of **Md. Arshad Khan** (supra) termination was on the ground of alleged irregularity revealed in an enquiry.
21. In case of **Smt. Manju Bhagat** (supra), order of termination is stated to be stigmatic in which performance of petitioner was stated to be not worthy and she was removed from service.
22. In case of **Deepak Dhara** (supra), ground raised by learned counsel for petitioner therein is that petitioner was terminated on the complaint of irregular appointment and further irregularities

committed by petitioner therein.

23. In case of **Yaad Das Sahu** (supra), reasons assigned for terminating services was that petitioner was reluctant in performing his duties and has disobeyed the instructions of respondent authority as he failed to give hundred days' employment to labourers which is stigmatic in nature.
24. In case of **Digambar Chandrakar** (supra) also order of terminating services was stigmatic. In case at hand, it is not that order of termination of petitioner was passed making any allegation against him with regard to discharge of his duties but it is case where petitioner himself procured employment by placing forged document. Show cause notice was issued to petitioner specifying that mark-sheet submitted by him was found to be forged. Upon verification of the mark-sheet submitted by petitioner from concerned University, it is reported that mark-sheet which is sent for verification was not issued by the University and further, particulars as mentioned of the student is not tallying with the records of University. Petitioner admitted that he is having no other mark-sheet.
25. In the aforementioned facts of case, decisions relied upon by learned counsel for the petitioner are not applicable to the present facts of case.
26. In the facts of case and decisions of Hon'ble Supreme Court as referred to above, I am of the considered view that the order of termination of service will not be vitiate only because departmental enquiry was not conducted. It is not the case made out by the petitioner that non-holding departmental enquiry following rules has in any manner caused prejudice to him, and hence, I do not find any

error in decision taken by respondent No.2 of terminating services of petitioner on the ground that petitioner has obtained employment based on forged document.

27. Accordingly, writ petition is dismissed.

Sd/-

(Parth Prateem Sahu)

Judge

Praveen