



2025:UHC:6458-DB

**IN THE HIGH COURT OF UTTARAKHAND**  
**AT NAINITAL**

**HON'BLE THE CHIEF JUSTICE SRI G. NARENDAR**  
**AND**

**HON'BLE SRI JUSTICE ALOK MAHRA**

**21<sup>st</sup> JULY, 2025**

**WRIT PETITION (PIL) No. 27 OF 2020**

Raj Kumar @ Titu

...Petitioner

Versus

State of Uttarakhand  
and Others

...Respondents

**Presence:-**

Mr. Sagar Kothari, learned counsel for the petitioner.

Mr. P.C. Bisht, learned Additional Chief Standing Counsel for the State.

Mr. Shashank Upadhyay, learned counsel for respondent no.4.

Mr. Vipul Sharma, learned counsel for respondent no. 6.

Mr. Nikhil Kushwaha, learned counsel holding brief of Mr. Tapan Singh, learned counsel for respondent no. 8.

Mr. Ravi Shankar Jandhyala, learned Senior Counsel (through V.C.) assisted by Mr. Parikshit Saini and Mr. Himanshu Pal, learned counsel for respondent no. 9.

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**JUDGMENT: (per Mr. Alok Mahra, J.)**

Heard learned counsel for the petitioner and the learned Deputy Advocate General for the State.

2. Petitioner has filed the present writ petition seeking the following reliefs:-

“(i) To Issue a writ, order or direction in the nature of Quo-Warranto restraining respondent no. 9 from performing public duties in public office on the basis of illegal appointment over and above eligibility criterion on the basis of forged documents and to declare the appointment of respondent no.



9 as void and illegal.

(ii) To Issue a writ, order or direction in the nature of mandamus commanding respondent no. 1, 2 to recover all the monetary benefits extended to respondent no. 9.

(iii) To Issue a writ, order or direction in the nature of mandamus commanding respondent no. 4 to conduct enquiry against respondent no. 7 for granting forged passing certificate of class 11th to respondent no. 9 and against respondent no. 8 for granting admission in class 12th to respondent no. 9 without verifying the documents and further to do the needful as per the conditions of affiliation.

(iv) To Issue a writ, order or direction in the nature of mandamus commanding respondent no. 5 for conducting enquiry for issuing the OBC certificate to respondent no. 9 over and above the norms and to do the needful against the concerned Authority.

(v) To Issue a writ, order or direction in the nature of mandamus commanding respondent no. 1, 2 for conducting the enquiry for home District posting of respondent no. 9 and for being in accessible (Sugam) area and to do the needful against the concerned persons.”

3. However, vide order dated 26.02.2020 passed by Co-ordinate Bench of this Court, the petition was admitted in respect of prayer no. (i) and prayer no. (iii) only. The main ground agitated by the petitioner seeking writ of quo-warranto against respondent no. 9 is that respondent no. 9 had failed in class 11<sup>th</sup> in the academic session 2005-06 and certificate to this effect was issued under RTI to the applicant by the concerned school i.e. Aadharsh Bal Niketan Senior Secondary School. Despite this fact, respondent no. 9 appeared in the board examination of Senior Secondary Examination (class 12<sup>th</sup>)



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from Doon Public Senior Secondary School and passed his examination for class 12<sup>th</sup> from the said school in the year 2006-07. Thereafter, he secured B.Tech. and ultimately, on the basis of his educational qualification, got appointment as Assistant Engineer in Panchayati Raj and Rural Development Department in the year 2014 under the OBC category.

4. The main contention of the petitioner is that since respondent no. 9 was not eligible to appear in class 12<sup>th</sup> examination in the academic session 2006-07 for the fact that he has failed in class 11<sup>th</sup> examination in the academic session 2005-06, therefore, the subsequent degree/qualification obtained by him are *non est*. Therefore, he does not fulfil the qualification to be appointed as Assistant Engineer in the Panchayati Raj and Rural Development Department.

5. *Per contra*, respondent nos. 7 and 8 have filed the counter-affidavit, wherein, it has been submitted that respondent no. 9 was issued transfer certificate from respondent no. 7 – School from where he passed his 11<sup>th</sup> examination and thereafter got admission in respondent no. 8 Institute in class 12<sup>th</sup>.

6. Respondent no. 9 has also filed his detailed counter-affidavit, wherein, he has submitted that petitioner belongs to the same village as that of the respondent no.



9 and has filed the above PIL for oblique motive. Beside this, he has also submitted that the petitioner has not approached this Court with clean hands and has concealed material facts.

7. Petitioner has earlier filed an application under Section 156(3) of Cr.P.C. against respondent no. 9 for the same cause of action claiming that the certificate of the petitioner is forged. The said application was rejected by learned Magistrate on 07.12.2017 against which revision was preferred, which too, was dismissed.

8. Petitioner challenged both the orders by filing C-482 No. 1939 of 2018 before this Court, which was dismissed as withdrawn by the petitioner vide order dated 29.10.2020. Beside this, respondent no. 9 has also filed documents, wherein, petitioner has filed complaint regarding educational qualification of respondent no. 9 before respondent no. 4 i.e. Central Board of Secondary Education, which after inquiry, have found that there is no illegality or ambiguity in the education certificates of respondent no. 9. All these above facts have been concealed by the petitioner before this Court.

9. It is apparent that the petitioner has been set-up by third parties. When the matter was listed on 19.03.2025, this Court had queried the counsel for the petitioner and the 6th respondent-School. Both are unable to answer as



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to on what date the application was made under the RTI Act. The Court further queried the learned counsel for the petitioner, as to how he came to know about this fact of the petitioner having failed in the 11th standard. It is also forthcoming from the 9th respondent that when the 6th respondent refused to issue the transfer certificate, complaint was lodged with the CBSE Authorities and all these issues have been actively screened by both the petitioner and the 6th respondent. That apart, the Court perused the document marked as Annexure A-4, said to be admission file of the 9th respondent. On perusal of the same, it is seen that the original name written down appears to be of one Prince Saini. The same is struck-off and the name Anant Singh Saini i.e. the name of the 9th respondent has been written down.

10. No answer regarding interpolation in the name of respondent no. 9 in the document Annexure A-1 has been submitted either by the petitioner or counsel for respondent no. 6. Furthermore, the Chief Administrative Officer in the office of Block Education, Syalde, District Almora filed an affidavit, wherein, she has categorically held that she has no authority to issue information as first Appellate Authority.

11. It has constantly been held by Hon'ble Supreme Court in catena of judgments that misleading the Court is



equal to committing fraud and anyone, who uses fraud harms the justice system, and such actions must be strictly punished to prevent them from happening again and to protect the integrity of the judicial process.

12. In the case of **Kusha Duruka v. State of Odisha, (2024) 4 SCC 432**, the Hon'ble Supreme Court strongly criticized the act of hiding important facts from the court. The Court observed that misleading the court is equal to committing fraud and anyone who uses fraud harms the justice system, and such actions must be strictly punished to prevent them from happening again and to protect the integrity of the judicial system.

13. In another judgment of **Moti Lal Songara v. Prem Prakash @ Pappu, (2013) 9 SCC 199**, the Hon'ble Supreme Court held that hiding important facts from the court is like committing fraud. The Latin phrase "Suppressio veri, expressio falsi" was used, which means hiding the truth is the same as telling a lie.

14. Further, in the case of **K. Jayaram & Others v. Bangalore Development Authority, (2022) 12 SCC 815**, the Hon'ble Supreme Court held that anyone approaching the writ court must come with clean hands and disclose all relevant facts. The Court further observed that if a person hides or suppresses important information to gain an unfair advantage, it amounts to fraud on the



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court and the other party.

15. From the facts, as narrated above, it is apparent that petitioner is in habit of making frivolous complaints against respondent no. 9 and his family and has misused the forum of this Court by filing the present petition, although, his complaint regarding education qualification of respondent no. 9 was already redressed by the Central Board of Secondary Education much before filing of this petition and his complaint too was dismissed by the competent courts.

16. This Court was inclined to impose exemplary cost on the petitioner, but, is restraining itself from imposing the cost. But, this Court depreciates the conduct of the petitioner.

17. In such view of the matter, the present PIL is dismissed.

18. No order as to costs.

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**G. NARENDAR, C.J.**

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**ALOK MAHRA, J.**

Dt: 21<sup>st</sup> July, 2025  
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