



2025:UHC:4762-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL

**HON'BLE JUSTICE SRI MANOJ KUMAR TIWARI AND
HON'BLE JUSTICE SRI SUBHASH UPADHYAY**

Special Appeal No. 442 of 2018

Suman Sharma and others --Appellants

Versus

State of Uttarakhand and others --Respondents

Presence:-

Mr. Anil Kumar Joshi, Advocate for the appellants.

Mr. Puran Singh Bisth, Additional CSC for the State

The Court made the following:

JUDGMENT: (per Hon'ble Justice Sri Manoj Kumar Tiwari)

1. There is a delay of 54 days in filing the Appeal. For the reasons indicated, delay is condoned. Accordingly, Delay Condonation Application (CLMA No. 7989 of 2018) stands disposed of.

2. This intra-Court Appeal is directed against judgment and order dated 20.03.2018, rendered by learned Single Judge in Writ Petition (S/S) No. 339 of 2013. By the said judgment, writ petition filed by Mr. Ashok Kumar Sharma, challenging termination of his service was dismissed. The impugned judgment is extracted below:-

“Since common questions of law and facts are involved in the above numbered writ petitions, hence the same are being taken up together and adjudicated by this common order. In order to maintain clarity, the facts of WPSS No.898 of 2013 have been taken into consideration.

Heard.

Petitioner was appointed on the basis of B.Ed. degree obtained from Sampurnananda Sanskrit Viswavidhalaya. The Chief Education Officer has sent a communication and has sought information from the Sampurnananda Sanskrit Viswavidhalaya vide letter dated 23.04.2010, wherein it was stated that the name of the institution is Sampurnananda Sanskrit Viswavidhalaya since 1973. No student by name of Ashok Kumar Sharma was ever enrolled in the University. The degree of the petitioner was



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found to be forged. A criminal case was registered against the petitioner under Sections 420, 467, 468 read with Section 471 of I.P.C.

The petitioner has been issued show cause notice to which he has filed reply and thereafter impugned order has been passed.

In view of the information supplied by the concerned University, even regular inquiry would have been unnecessary.

Accordingly, there is no merit in the petitions and the same are hereby dismissed.”

3. Learned State Counsel submits that Mr. Ashok Kumar Sharma (writ petitioner) was appointed as Headmaster in Anusuchit Jan Jati Vidyalaya, Banshipur, Dehradun, on the strength of fake B.Ed. degree. Subsequently, when the authorities learnt about this fact, Chief Education Officer, Dehradun issued a show cause notice and since reply given by writ petitioner was not found to be satisfactory, therefore his services were terminated vide order dated 23.02.2013. Thus, feeling aggrieved, he filed Writ Petition (S/S) No. 339 of 2013, which was dismissed by the impugned judgment.

4. Heard learned counsels for the parties and perused the record.

5. It is not in dispute that B.Ed. degree furnished by Mr. Ashok Kumar Sharma, at the time of his appointment, was sent for verification to Sampurnananda Sanskrit Viswavidhayala and the concerned University replied that no student by the name of Ashok Kumar Sharma was enrolled in the relevant year.

6. In the absence of B.Ed. degree, writ petitioner was not eligible for appointment as Principal of an educational institution, as B.Ed. is an essential



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qualification for such appointment. Thus dismissal of his writ petition cannot be interfered with in this intra-Court appeal.

7. Accordingly, the Special Appeal is dismissed.

MANOJ KUMAR TIWARI, J.

SUBHASH UPADHYAY, J.

Dt: 10th June, 2025
Mahinder