

**HIGH COURT OF UTTARAKHAND AT NAINITAL**

**Writ Petition No. 3421 (S/S) of 2018**

Smt. Reena Rani

.....Petitioner

Versus

State of Uttarakhand and others

.....Respondents

Present:-

Mr. Tapan Singh, Advocate for the petitioner.

Mr. Jayvardhan Kandpal and Mr. Pradeep Hairiya, Standing Counsel for the State.

**Hon'ble Rakesh Thapliyal, J.**

The petitioner is aggrieved by the order impugned dated 01.10.2018 whereby the petitioner is dismissed from service. Mr. Tapan Singh learned counsel for the petitioner submits that he is not pressing the reliefs so far as it relates to SIT report.

2. Brief facts of the case are that an advertisement was issued on 01.02.2014 inviting applications for appointment to the post of Assistant Teacher in primary institution. Last date for filling up the form was 22.02.2014. Pursuant to the aforesaid advertisement, the petitioner applied and permitted to participate in selection process and declared successful and offered appointment on 24.02.2016, which she accepted and then joined and performed duties to the utmost satisfaction her superiors.

3. In the meantime, one WPPIL No. 150 of 2023 was filed before this Court with regard to fake appointments in the primary institution in the State and the State Government constituted a Special Investigating Team (SIT); to inquire about the appointment in the entire State. Subsequently, SIT, so constituted, submitted its report on 24.09.2018.

4. In the SIT report, it was mentioned that at the time of appointment, the petitioner submitted permanent resident certificate dated 22.05.2014, which, in fact, was a forged document, since the record was not available in the office of concerned authority who issued the said certificate.

5. Based on the aforesaid SIT report, a disciplinary proceeding was initiated and the petitioner was given departmental charge-sheet on 15.09.2018 wherein she was charged that she produced a forged permanent resident certificate dated 22.05.2014 in order to procure the appointment. The petitioner submitted her response to the charge-sheet and on completion of disciplinary proceedings the charge, as inflicted upon her pursuant to the charge-sheet, was found to be proved and based on the said inquiry report, the disciplinary

authority dismissed the petitioner from service by order impugned dated 01.10.2018.

6. Learned counsel for the petitioner argued that, in fact, as per the advertisement, there is no such requirement of furnishing the permanent resident certificate except that the candidate should be an Indian Citizen and enrolled with the Employment Exchange. He submits that there is no dispute on the eligibility of the petitioner, therefore, the order impugned cannot sustain since the requirement of permanent resident certificate is not at all required. Apart from this, he also submits that in the year 2008, a permanent resident certificate was issued to the petitioner manually on 08.02.2008 which itself shows that, in fact, the petitioner is the permanent resident of Laksar, District Haridwar, therefore, even if, the subsequent certificate is found to be forged, it will not vitiate the appointment of the petitioner. He submits that earlier Coordinate Bench directed to inquire about the genuineness of the permanent resident certificate and in compliance thereof, the S.D.M., Laksar submitted its report on 26.04.2025, wherein he found that the permanent resident certificate issued earlier on 08.02.2008 was issued from the office of Tehsil Laksar,

District Haridwar. The report accompanied the application form of the applicant and other relevant documents placed on record in a sealed envelope. He submits that there is no dispute with regard to other requirement and the petitioner is dismissed from service merely on the ground that the subsequent permanent resident certificate dated 22.02.2014 was found to be forged one as the same was not issued from the office concerned.

7. On the other side Mr. Pradeep Hairiya and Mr. Jayvardhan Kandpal, learned Standing Counsel for the State, argued that while procuring the appointment in the year 2016, the petitioner produced the permanent resident certificate dated 22.02.2014 which as per the SIT report, is forged one. So far as the earlier permanent resident certificate dated 08.02.2008 is concerned, Mr. Pradeep Hairiya, fairly submits that the Coordinate Bench directed to the respondents to verify this certificate and the SDM verified the same and found that the earlier permanent resident certificate dated 08.02.2008 was issued from the office of Tehsil Laksar, District Haridwar. Mr. Pradeep Hairiya, also further pointed out that as per Clause 7 of the advertisement, there was a requirement

that at the time of selection, the concerned incumbent shall produce the permanent resident certificate issued by the District Magistrate or the competent authority and at the time of selection, the petitioner produced the permanent resident certificate dated 22.02.2014 which admittedly, as per the SIT report was found to be forged one. He also pointed out that based on the SIT report, the FIR was lodged and the petitioner is charge-sheeted and is now facing trial on the charge of producing forged permanent resident certificate dated 22.02.2014, though the proceeding is stayed in a C482 petition filed by the petitioner.

8. Be that as it may, though there is a requirement as per the advertisement to produce the permanent resident certificate at the time of selection, but, in fact, on perusal of the advertisement, it is very clear that apart from eligibility additional requirement was that the candidate should be an Indian Citizen and to be enrolled with the employment exchange, which the petitioner fulfills. Therefore, it is very clear that the petitioner fulfilled the eligibility as well as the requirement as per Clause 3 of the advertisement. So far as the requirement in terms of Clause 7 (ka) of the

advertisement is concerned, no doubt at that time of selection, petitioner produced the permanent resident certificate dated 22.02.2014 which was found to be forged one in respect of which the petitioner is already facing a criminal trial but at this juncture, this aspect cannot be ignored that the earlier permanent resident certificate dated 08.02.2008 as per the report of SDM was found to be genuine since same was issued from the office of Tehsil Laksar, District Haridwar. Admittedly, there is no dispute on the eligibility of the petitioner as per Clause 1 of the advertisement and the requirement as per Clause 3 of the advertisement which the petitioner fulfils. So far as, the requirement of Clause 7(ka) is concerned, this Court already observed that the petitioner is facing criminal trial, the proceeding of which has been stayed in a C482 petition, but since the earlier permanent resident certificate dated 08.02.2008 is found to be genuine as per the report of SDM which itself establishes that the petitioner, in fact, is the permanent resident of Tehsil Laksar, District Haridwar. Merely on the ground that at the time of selection, she produced another permanent resident certificate dated 22.02.2014, the petitioner cannot be dismissed from service particularly when as per the report of S.D.M., admittedly, the petitioner is

permanent resident of District Haridwar, which was never been cancelled.

9. In such view of the matter, the order impugned cannot sustain and is liable to be quashed.

10. Accordingly, the writ petition is allowed. The impugned order dated 01.10.2018 passed by respondent no. 4 is quashed. The respondents are directed to reinstate the petitioner forthwith and to give all the consequential benefits which she is entitled as per law.

11. No order as to costs.

(Rakesh Thapliyal, J.)  
23.12.2025

Ravi