

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP (C) No. 563/2026
CAV No. 3063/2025

UT of J&K and another

.... Petitioner/Appellant(s)

Through:- Mr. Raman Sharma, AAG with
Ms. Jagmeet Kour, Advocate

V/s

Deepika Sharma

.....Respondent(s)

Through:- Mr. H.A. Siddiqui, Advocate
Mr. Shamas-ud-Din, Advocate

CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER

11.03.2026

1. Impugned in this petition filed by Union Territory of J&K and another under Article 226 of the Constitution of India, is an order and judgment dated 11.09.2025 passed by the Central Administrative Tribunal, Jammu Bench, Jammu, [**“the Tribunal”**] in OA No. 1533/2022 titled “Deepika Sharma Vs. UT of J&K and others”, whereby the Tribunal has allowed the OA of the respondent and directed the petitioners to ignore her matriculation certificate issued by the National Institute of Open Schooling (**NIOS**), and take into consideration the higher qualification of 10+2 obtained from the J&K Board of School Education (**JKBOSE**). There is a direction to the petitioners to reinstate the respondent in service with all consequential benefits except the back wages.

2. Briefly stated, the facts leading to the filing of this petition are that, pursuant to Advertisement Notice No. 1 of 2020 dated 26.06.2020, the respondent came to be selected as Class-IV by the J&K Services Selection Board (**JKSSB**). Consequent upon her selection, the respondent was appointed against a Class-IV vacancy in Government Medical College, (**GMC**), Jammu, vide order dated 17.11.2021 issued by the Health and Medical Education Department. She joined her duties on 29.10.2021 in the office of Principal, GMC, Jammu, and was allowed to perform her duties pending verification of her academic record. During the course of verification, it was found by the petitioners that the qualification certificate, i.e., marks card of matriculation purportedly issued by NIOS, was fake.
3. Before the petitioners could take any appropriate action, the respondent approached the Tribunal by way of OA No. 1191/2022. The said OA was disposed of by the Tribunal vide order dated 02.09.2022 with direction to the petitioners herein to treat the copy of the OA as a representation and decide it by passing a reasoned and speaking order within a period of three weeks from the date of receipt of the certified copy of the judgment. There was a further direction to maintain status-quo till such decision was taken.
4. It seems that in compliance with the directions issued by the Tribunal, and also to take the process of verification to its logical end, the petitioners considered the entire matter in the light of verification report received from the NIOS and vide Government Order No. 681-JK(HME) of 2022 dated 20.09.2022 cancelled the

appointment of the respondent *ab initio*. This Government Order of cancellation of her appointment was called in question by the respondent in the OA No. 1533/2022, which has now been decided in her favour in terms of the order and judgment impugned before us in this petition.

5. The impugned judgment is challenged by the petitioners primarily on the ground that the Tribunal has erroneously and without any reasons ignored the fact that the very entry of the respondent in Government service was based upon the document which, upon verification from the concerned Institute, was found false.
6. It is argued by Mr. Raman Sharma, learned AAG that the Tribunal has, in terms of the judgment impugned, put a premium on the fraudulent act of the respondent. It is submitted that the respondent, having produced a fake certificate, is not only disentitled to her appointment but is also not entitled to invoke the equitable jurisdiction of the Tribunal as also of this Court.
7. *Per contra*, Mr. Siddiqui, learned counsel appearing for the respondent, would submit that the verification report dated 18.04.2022 issued by the NIOS in respect of the matriculation qualification of the respondent is not conclusive and cannot be taken to be a conclusive proof of the fakeness of the certificate of matriculation issued by none other than the NIOS.
8. It is a further argument of learned counsel appearing for the respondent that the alleged fake matriculation certificate, which has become a reason for cancellation of appointment of the respondent

ab initio, is a certificate issued by NIOS in the year 2010, when the respondent was only 16 years old. He therefore submits that a person to whom fabrication of the document is attributed was a minor. Such attribution would not work against such person, particularly when, upon attainment of majority, she has got the higher qualification, i.e., qualification of 10+2 from the JKBOSE. It is further argued that her qualification, i.e., 12th pass from the JKBOSE. is not disputed and is otherwise the qualification required for post of Class-IV.

9. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that in the given facts and circumstances, the Tribunal has taken the right decision.
10. As per the Advertisement Notice No. 01 of 2020 dated 26.06.2020, the qualification prescribed for the post of Class-IV was minimum matriculation and maximum 10+2, meaning thereby candidate possessing either matriculation or 10+2 alone could apply for the post. The respondent responded to the aforesaid notification and relied upon her 10+2 qualification obtained by her from the JKBOSE. The selection process was conducted by the JKSSB and the respondent came in the select list on the basis of her merit in the written examination conducted by the Board. Pursuant to the selection made by the Board, the respondent came to be appointed as Class-IV vide Government Order No. 669-JK (HME) of 2021 dated 22.10.2021
11. It is true that the appointment of the respondent, like many other candidates, was subject to production of requisite certificates in

original including the certificate of matriculation/date of birth certificate. The order of appointment also clearly stipulates that the appointed candidates shall have to give an undertaking duly attested by the First Class Judicial Magistrate in the shape of an affidavit to the effect that if, upon verification from the concerned issuing authorities, the qualification certificate/reserved category certificate/experience certificate, wherever applicable, was found forged, false or fake, the appointee shall lose his/her appointment. There were other conditions also mentioned in the appointment order.

12. It is also not in dispute that the qualification certificate of the respondent in the instant case, i.e., 10+2 has been verified to be correct as the same has been issued by the JKBOSE. The petitioners, however, found that the certificate of matriculation/date of birth certificate submitted by the respondent, upon verification from the concerned Institute, i.e., NIOS, has been found fake. This report obtained from the NIOS dated 18.04.2022 has become the basis of cancellation of appointment of the respondent *ab initio*.

13. We have given thoughtful consideration to the matter on hand, particularly in the light of the observations made by the Tribunal, we are of the considered opinion that the respondent, in the given facts and circumstances of the case, deserves the benefit of doubt. We are saying so for the following reasons:

- (i) “that the alleged fake certificate of matriculation, purportedly issued by NIOS, was issued to the respondent, when she was only 16 years old and,

therefore, no manipulation could be attributed to her. Obviously, she cannot be subjected to a penalty for the act, which is purportedly done by her in her minority.”

- (ii) The verification report dated 18.04.2022 issued by the Joint Director, NIOS, is not conclusive, in that, it only declare a certificate as probably fake for the reason NIOS has not been able to trace out the roll number and data from its database. We are not sure whether the NIOS had digitized all its records in the year 2010 or these were later digitized as legacy records. We could have appreciated, had the NIOS verified the roll number and other particulars given in the matriculation certificate from the original record maintained by the NIOS.

14. In the aforesaid circumstances, we could have called upon the petitioners to take up the matter once again with the NIOS for verification of the certificate from the original records, if any, available with the Institute, but we are stopping short of doing that for the reason that the respondent has qualification of 10+2 from the JKBOSE, which makes her eligible to hold the post of Class-IV.
15. For the foregoing reasons, we are not inclined to interfere with the judgment impugned passed by the Tribunal. The writ petition is, accordingly, **dismissed**.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

Jammu:
11.03.2026
Shafqat