



2026:AHC:186358

RESERVED



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 19609 of 2018

Rajkumar Singh and another

.....Petitioner(s)

Versus

State of U.P. and 5 others

.....Respondent(s)

Along with :

1.

Writ - A No. 19362 of 2018:

Smt. Sharad and 2 others

Versus

State of U.P. and 5 others

Counsel for Petitioner(s)	: Afshan Shafaut, B.S. Pandey, Ritvik Srivastava
Counsel for Respondent(s)	: Ashok Kumar Singh, Awadhesh Kumar, C.S.C.

Court No. - 52

HON'BLE MRS. MANJU RANI CHAUHAN, J.

1. The present petitions have been instituted seeking quashing of the impugned order dated 10.08.2018 passed by respondent no. 2. A further prayer has been made for issuance of a writ of mandamus directing the respondents to release the arrears of salary allegedly due and payable to the petitioners from December, 2006 onwards, along with interest thereon until the date of actual payment, and to ensure the regular payment of their monthly salary in future.

2. Briefly stated, the facts of the case are that the the petitioners in Writ-A No. 19609 of 2018 were Assistant Teachers in Lallan Prasad Junior High School, Barihawa Basti, and the petitioners in Writ-A No. 19362 of 2018 were working as Assistant Teachers in Kisan Purva Madhyamik Vidyalaya, Majhauwa Khajuri, Basti. Both the Institutions are recognised Junior High Schools. It is submitted that the provisions of the Uttar Pradesh Recognised Basic Schools (Junior High School) (Recruitment and Conditions of

Service of Teachers) Rules, 1978¹, the Uttar Pradesh Basic Education Teachers Service Rules, 1981², as well as the provisions of U.P. Act No. 6 of 1979, are applicable to the institutions.

3. The institutions are aided Institutions and the salary of its teaching and non-teaching staff is payable from the State exchequer. According to the petitioners, the institutions were brought within the grant-in-aid scheme pursuant to the Government Order dated 02.12.2006, and, consequently, the teaching and non-teaching employees of the institutions became entitled to payment of salary from the State funds with effect from the relevant date.

4. The petitioners possess the requisite qualifications for consideration for appointment to the posts of Assistant Teacher in a basic school.

5. The District Basic Education Officer, Basti by order dated 12.05.1980 granted permission for making selections against one post of Headmaster, four posts of Assistant Teachers, one post of Clerk and three posts of Peon in Kisan Purva Madhyamik Vidyalaya, Majhauwa Khajuri, Basti. Similarly, The BSA, Basti by order dated 05.04.1984, granted permission for making selections against one post of Headmaster, four posts of Assistant Teacher, one post of Clerk and three posts of Peon in Lallan Prasad Junior High School, Bairihawa, Basti.

6. Pursuant thereto, advertisements were published in June 1980 and June 1984 in two daily newspapers, namely, Dainik Jagran and Dainik Gramdoot, inviting applications for appointment to the aforesaid posts in respective institutions. The last dates for submission of applications were prescribed as 30.06.1980 and 30.06.1984, respectively, and the candidates were required to appear for interview on the same date.

7. The Manager of the respective institutions, by letter dated 17.06.1980 and 21.06.1984, informed the District Basic Education Officer, Basti, about the publication of the advertisement and requested him to nominate an observer for overseeing the selection process. Pursuant thereto, Sri Shyama

1 The Rules, 1978

2 The Rules, 1981

Prasad Mishra, Deputy Inspector of Schools, Saltauwa on 17.06.1980 and Sri Shailendra Nath Srivastava, the then Deputy Inspector of Schools, Kaptanganj, was deputed as the observer on 22.06.1984.

8. The duly constituted Selection Committee, in accordance with the applicable statutory rules, interviewed 12 candidates for Kisan Purva Madhyamik Vidyalaya and 09 candidates for appointment to the post of Assistant Teacher in Lallan Prasad Junior High School. Upon evaluation of the candidates on the basis of quality-point marks, the petitioners were found to have secured superior merit and were accordingly selected. Thereafter, the Committee of Managements, by respective resolutions dated 30.06.1980 and 30.06.1984, formally approved the selection of the petitioners and forwarded the requisite papers to the District Basic Education Officer, Basti. The District Basic Education Officer, upon consideration of the matter, accorded approval to the appointment of the petitioners, subject to their successfully completing the prescribed period of one year's probation.

9. At the time of the petitioners' appointment, the institutions were unaided Junior High Schools. The appointments were made strictly in accordance with the applicable statutory rules and the procedure prescribed thereunder. The selection process was duly conducted by the competent Selection Committee, and the requisite formalities prescribed by law were duly complied with. The appointments of the petitioners were thereafter approved by the District Basic Education Officer, Basti, by orders dated 19.10.1984 and 28.08.1984.

10. The learned counsel for the petitioners further submits that, with respect to Lallan Prasad Junior High School, on 16.05.1984 the District Basic Education Officer granted permission for three additional sections, namely, Classes VI, VII and VIII, on the basis of the strength of students. Thereafter, on 16.08.1989, the Assistant Director of Education (Basic) created five additional posts of Assistant Teachers, thereby increasing the total sanctioned strength of teachers to fourteen.

11. The petitioners were untrained at the time of their appointment. However, having completed more than ten years of service by the years 1990-94 and 1994-95, respectively, they became eligible for exemption from the requirement of training in terms of the Government Order dated 21.10.1994. Consequently, the Assistant Director of Education (Basic), by order dated 28.04.1998, granted exemption from training to the petitioners, along with other similarly situated teachers, and extended to them the benefits of the trained pay scale.

12. The institution was brought within the grant-in-aid scheme along with approximately one thousand other institutions pursuant to the Government Orders dated 07.09.2006 and 02.12.2006. The name of the institution of the petitioners in Writ-A No. 19362 of 2018 figured at Serial No. 630 and petitioners in Writ-A No. 19609 of 2018 figured at Sl. No. 548 in the relevant list. After the institutions were brought within the grant-in-aid scheme, approval of the appointments of the petitioners was granted belatedly. The appointment of Raj kumar Singh was approved by order dated 09.12.2011, whereas the appointments of Indreshwar Nath Srivastava was approved on 21.12.2011. The salary bill was also processed in March 2012 for disbursement, and the salary for the month of February 2012 was released in April 2012. At that time, the petitioners were being paid a salary of Rs.32,839 per month.

13. In the meantime, the District Basic Education Officer, by letters dated 16.01.2012 and 19.02.2012, requested the Assistant Director of Education (Basic) to verify the exemption certificate dated 28.04.1998, whereby the petitioners had been exempted from the requirement of training. Subsequently, by communication dated 17.03.2012, it was intimated that the said exemption certificate had been duly verified and that its dispatch was recorded in the dispatch register under Reference No. 545-54/97-98 dated 28.04.1998.

14. Thereafter, on 14.10.2014, the District Basic Education Officer, Basti, passed an order, after verification by the Assistant Director of

Education (Basic), clarifying that the exemption certificate was genuine and valid. The correct documents, along with the recommendation, were accordingly placed before the Assistant Director of Education (Basic) for permission to release the salary of the petitioners. However, despite the aforesaid recommendation, the salary was not released, for reasons best known to the respondents.

15. Subsequently, on 05.04.2018, the Assistant Director of Education (Basic) addressed a communication to the Director of Education (Basic), seeking appropriate guidelines in the matter. The communication recorded that the appointments of the petitioners were validly made in accordance with law, that the certificate granting exemption from training was genuine and valid, and that the petitioners continued to be in service in the institution. The dispatch register was also verified, and it was found that the exemption certificate had in fact been issued by the then Assistant Director of Education (Basic).

16. Thereafter, on 26.04.2018, the Director of Education (Basic) observed that the power to grant exemption from training, vested in the Regional Assistant Director of Education (Basic) and, accordingly, directed that the matter relating to release of salary be dealt with at the appropriate level. Pursuant thereto, the Assistant Director of Education (Basic), upon examining the matter on 04.07.2018, directed that the grievance of the petitioners be duly considered and disposed of. It was further observed that the unnecessary delay caused by repeated correspondence in the matter of consideration of the petitioners' claim for salary was wholly unwarranted. The claim was, therefore, directed to be examined and appropriate action taken in accordance with law.

17. Thereafter, on 30.07.2018, the District Basic Education Officer, Basti, again intimated the institution to appear on 06.08.2018 for hearing and to produce the documents of the concerned teachers. The manager of the institution accordingly appeared on the date fixed and requested that the petitioner's salary be released, but the salary was not released for

extraneous considerations. The respondents were not acting in accordance with law for reasons best known to them.

18. Thereafter, the Assistant Director of Education (Basic), in August 2018, directed the District Basic Education Officer, Basti, to submit a report and state the reasons for non-payment of salary, which was being withheld for extraneous considerations. The said order is the order impugned in the present petition, which is being assailed herein.

19. The petitioners were appointed in accordance with law after following the procedure prescribed under the relevant rules. Upon grant of approval and verification of the records, the salary of the petitioners was paid for the month of February 2012. However, despite all reports and recommendations being in favour of the petitioners, their salary was thereafter withheld for reasons best known to the respondents, which is arbitrary, illegal and unsustainable in the eyes of law.

20. The impugned order has been passed in gross violation of the principles of natural justice, without affording the petitioners an effective opportunity of hearing and without considering the three earlier reports and verifications undertaken from time to time, all of which supported the genuineness of their appointment and entitlement to salary. The impugned order, having been passed in disregard of such material findings and without due consideration of the relevant record, cannot be sustained in law. The petitioners, who have admittedly continued to work in the institution, have a legitimate expectation of receiving salary for the period during which they have actually rendered service. Accordingly, the impugned order is liable to be set aside and the respondents are liable to reconsider and decide the petitioners' claim for payment of salary in accordance with law.

21. Mr. Shailendra Singh, learned Standing Counsel, on the other hand, submits that the institution in question, namely, Lallan Prasad Junior High School, Barihawa, Basti, as well as institution, namely, Kisan Purva Madhyamik Vidyalaya, Majhua, Kajuri, Basti, were brought within the grant-in-aid list

on 02.12.2006. It is contended that the alleged approval order dated 28.8.1984, purportedly issued by the District Basic Education Officer, Basti, cannot be relied upon. The qualifications of petitioner nos. 1 and 2 in Writ-A No. 19609 of 2018 are stated to be only Intermediate. According to the learned Standing Counsel, the Selection Committee, without adhering to the procedure prescribed under the Rules of 1978, initiated the selection proceedings, selected the petitioners in both the writ petitions for appointment to the post of Assistant Teacher, and forwarded the proposal for approval.

22. It is further submitted that the relevant papers were forwarded by the Manager of the institution to the Basic Shiksha Adhikari on 30.06.1980, whereupon the alleged approval of the appointments was granted on 09.09.1980. The learned Standing Counsel, therefore, submits that the appointments of the petitioners were not made in accordance with the statutory procedure and that the subsequent claim for payment of salary from the State exchequer cannot be sustained merely on the basis of the alleged approval orders.

23. The alleged appointment of the petitioners in both the writ petitions were made in contravention of the provisions contained in Rules 4, 7, 9, 10 and 11 of the Rules of 1978 and, therefore, are wholly unsustainable in law.

24. In Writ-A No. 19362 of 2018, the approval order dated 09.09.1980, allegedly passed by the Basic Shiksha Adhikari, Basti, mentions the qualifications of petitioner no. 1, Smt. Sharad, as B.A.; petitioner no. 2, Ram Achal Yadav, as B.A.; and petitioner no. 3, Smt. Malti Srivastava, as Intermediate. It is, therefore, contended that, in view of Rule 4 of the Rules of 1978, the petitioners did not possess the prescribed qualifications and were consequently ineligible for appointment.

25. It is further submitted that the Managers of both the institutions appointed the petitioners as Assistant Teachers without following the procedure prescribed under Rules 7, 9 and 10 of the Rules of 1978. The appointments, therefore, according to the learned Standing Counsel, were

void ab initio and could not confer any enforceable right upon the petitioners to claim salary from the State exchequer.

26. The petitioners have relied upon the alleged exemption from training granted by a letter issued by the Assistant Director of Education (Basic) dated 28.04.1998. In the writ petition filed by Smt. Sharad and others, the petitioners have annexed the alleged exemption certificate in support of their claim.

27. The learned Standing Counsel, however, submits that the Anumanyata Aadesh issued by the Assistant Director of Education (Basic), Basti Region, Basti, vide orders dated 19.12.2011 and 21.12.2011, contained specific conditions. The relevant conditions contained in paragraphs 4, 5, 6 and 8 thereof are extracted below:

"4. सेवाविनियमावली 1978 के प्राविधानों के तहत ही भुगतान की कार्यवाही की जाये अन्यथा भुगतान होने पर सक्षम अधिकारी उत्तरदायी होंगे।

5. अपात्र व्यक्ति को शिक्षक/शिक्षणेतर कर्मचारी के रूप में वेतन भुगतान किया जाता है तो आप जिला बेसिक शिक्षा अधिकारी बस्ती व्यक्तिगत रूप से उत्तरदायी होंगे।

6. यदि विवाद की स्थिति हो तो इस कार्यालय के माध्यम से उसका पूर्ण विवरण शिक्षा निदेशक (बेसिक) महोदय को भेजते हुए भुगतान की अनुमति प्राप्त करने के पश्चात ही वेतन भुगतान किया जायेगा।

8. अनुमन्यता सूची में यदि कोई विसंगति/त्रुटि प्रकाश में आती है तो तत्काल अधोहस्ताक्षरी (सहायक शिक्षा निदेशक) को सूचित करें। नियमों विपरीत भुगतान होने की दशा में जनपद के जिला बेसिक शिक्षा अधिकारी एवं लेखाधिकारी व्यक्तिगत रूप से जिम्मेदार होंगे।"

28. The petitioners have sought compliance with the Anumanyata Aadesh dated 09.12.2011 and 21.12.2011 issued by the Assistant Director of Education (Basic), Basti Region, Basti. In pursuance thereof, the relevant records were produced before the then District Basic Education Officer, who, upon examination, found that the appointments of the petitioners had been made in violation of the provisions of the Rules of 1978 and that the exemption certificate dated 28.04.1998 appeared, prima facie, to be false.

29. Thereafter, the District Basic Education Officer, vide letter dated 16.01.2012, addressed to the Assistant Director of Education (Basic), Seventh Region, Gorakhpur, requested that the exemption-from-training

certificate relied upon by the petitioners of both the institutions be duly examined and verified.

30. Once again, the District Basic Education Officer, vide letter dated 15.02.2012, addressed to the Assistant Director of Education (Basic), Seventh Region, Gorakhpur/Basti, requested verification of the order granting exemption from training dated 28.04.1998.

31. The Assistant Director of Education (Basic), Seventh Region, Gorakhpur/Basti, vide letter dated 17.03.2012, informed that the records relating to the grant of exemption from training were not available in his office. However, the dispatch register, bearing reference no. 545-54/97-98, dated 28.04.1998, contained the relevant entry. The District Basic Education Officer was, accordingly, directed to proceed in accordance with law.

32. Thereafter, the District Basic Education Officer, Basti by order dated 31.03.2012, granted permission for payment of salary to the petitioners, subject to the stipulation that, in the event any fact was subsequently found to be false, the amount of salary paid would be recovered from the movable and immovable properties of the persons responsible.

33. The Principal, DIET, District Maharajganj, Smt. Renu Chaturvedi, who was then the Assistant Director of Education (Basic), Seventh Region, Gorakhpur/Basti, submitted her report dated 11.4.2012 with regard to the exemption-from-training certificate dated 28.4.1998. She stated that the dispatch register had been examined in the presence of the District Inspector of Schools and that the relevant entry bearing reference no. 545-54/97-98, dated 28.04.1998, was forged. She further reported that the signatures appearing thereon were also forged. She also stated that she had no knowledge of the existence of two exemption-from-training certificates bearing the same date.

34. Since the order granting exemption from training to the petitioners was found to be false, the order dated 31.03.2012, whereby permission had

been granted for payment of salary to the petitioners, was cancelled by the District Basic Education Officer, Basti, vide order dated 18.04.2012. The Finance and Accounts Officer (Basic Education), Basti, was consequently directed to stop payment of salary to the petitioners and, in the event that any payment had already been made, to furnish information to the District Basic Education Officer in that regard.

35. A similar controversy has already been settled by this Court in the case of **Deepak Kumar and Others v. State of U.P. and Others**³. The judgment rendered therein was carried in Special Appeal Defective No. 543 of 2021, which came to be dismissed by the judgment and order dated 29.07.2021. The view taken by the learned Single Judge has, therefore, attained finality and constitutes a binding precedent in respect of the controversy involved herein.

36. The alleged order dated 28.04.1998 granting exemption from training, which is relied upon by the petitioners in support of their appointments, does not find any mention in the dispatch register produced by the petitioners themselves along with the writ petition. Further, no corresponding record of the said order is available in the office of the Assistant Director of Education (Basic), Seventh Region, Gorakhpur.

37. A similar controversy has already been settled by this Court in the case of **Amar Prakash Chandra and Others v. State of U.P. and Others**⁴, wherein, in the absence of authentic official record supporting the alleged appointments, the appointments of the petitioners therein were held to be illegal. The principle laid down therein squarely applies to the controversy involved in the present petition. In view thereof, the petitioners cannot derive any legal benefit from the alleged order of exemption dated 28.04.1998, the existence and authenticity of which remain unsupported by the official records.

38. The learned Standing Counsel has further placed reliance upon the judgment rendered by this Court in the case of **Vinod Tiwari v. State of U.P.**

3 Writ-A No. 2227 of 2000, decided on 27.04.2016

4 Civil Misc. Writ Petition No. 3037 of 2023, Judgment dated 29.05.2026

and others⁵, wherein, while considering an identical controversy, this Court observed as follows:

“45. Once the very substratum of the petitioner's appointment disappears, the consequential claim for payment of salary from the State exchequer also necessarily falls to the ground. This Court cannot, in exercise of its writ jurisdiction, direct payment of public money in favour of a person who has failed to establish a lawful appointment in accordance with the governing statutory framework.

46. In view of the above, this Court is of the considered opinion that the writ petition is devoid of merit and does not warrant interference in exercise of extraordinary jurisdiction under Article 226 of the Constitution of India. Accordingly, for all the reasons recorded hereinabove, this Court finds no illegality, infirmity or jurisdictional error in the impugned order. The writ petition lacks merit and is, accordingly, dismissed.

47. There shall be no order as to costs.”

39. The learned Standing Counsel further submits that Petitioner No. 2 in Writ-A No. 19609 of 2018⁶, had filed an affidavit along with his Aadhaar Card, wherein his date of birth was recorded as 01.01.1978. The alleged order approving his appointment, however, is dated 28.08.1984. Thus, on the date of the alleged appointment, the petitioner was merely about six years of age and, therefore, could not possibly have been eligible for appointment as an Assistant Teacher under Rule 8 of the Rules, 1978.

40. It is further submitted that the petitioner himself claims to have been appointed as an Assistant Teacher on 28.08.1984. However, if his date of birth is taken to be 01.01.191978, as declared by him in his affidavit and reflected in his Aadhaar Card, his alleged appointment would have been made when he was only about six years old. Consequently, his appointment is ex facie impossible and, being contrary to the prescribed eligibility requirements under the Rules of 1978, is wholly illegal and cannot confer any right to salary upon him from the State exchequer.

41. The respondents further submit that the Rules of 1978 prescribe the requisite qualifications and eligibility conditions for appointment to the post of Assistant Teacher. Rule 8 thereof provides that a candidate seeking recruitment to any post governed by the said Rules must have attained the

5 Writ-A No. 10075 of 2019, decided on 13.07.2026

6 Raj Kumar Singh and others v. State of U.P. and others

age of 18 years and must not have exceeded 30 years of age on the first day of July following the year in which the vacancy is notified.

42. It is further submitted that this Court, while considering an identical controversy, has already adjudicated the issue in the case of **Luxmi Shankar Tiwari and another v. State of U.P. and others**⁷. In view of the principles laid down therein, the respondents contend that Petitioner No. 2, whose alleged appointment is likewise contrary to the eligibility requirements prescribed under Rule-4 of the Rules of 1978, is also not entitled to claim a valid appointment to the post of Assistant Teacher.

43. It is further submitted that once the competent authority, who is alleged to have issued the exemption certificate, has categorically denied the signatures appearing thereon, the mere absence of any corresponding entry in the dispatch register cannot advance the case of the petitioners. The primary question is the genuineness and authenticity of the certificate itself. If the exemption certificates relied upon by the petitioners are forged and fabricated, the possibility that an attempt may subsequently have been made to introduce or manipulate the official records so as to create an entry in their favour cannot be ruled out. Such a manipulated entry, even if subsequently found in the dispatch register, would not validate a document whose authenticity and execution by the competent authority stand specifically denied.

44. Accordingly, a document alleged to be forged or fabricated cannot be relied upon merely on the ground that it finds a place in an official record, particularly when the very authority whose signature it bears has denied having issued or signed it. The evidentiary value of such a document must necessarily be assessed in the light of the denial of its execution and the surrounding circumstances, and its mere presence in the dispatch register, even if established, would not by itself confer any legitimacy upon it.

45. Heard counsel for the parties and perused the record.

⁷ Writ Petition No. 4474 of 2016, Judgment dated 28.04.2026

46. The Institutions in question are governed by the Uttar Pradesh Recognised Basic Schools (Junior High School) (Recruitment and Conditions of Service of Teachers) Rules, 1978. The said Rules prescribe not merely the qualifications and eligibility of a candidate, but also the manner in which recruitment is required to be undertaken. Compliance with the statutory procedure is, therefore, not an empty formality. It constitutes the very foundation upon which an enforceable right to appointment, and consequently a right to claim salary from public funds, can arise.

47. In the present case, the petitioners have sought to sustain their entitlement principally on the basis of the alleged orders of appointment and approval and, in particular, upon the alleged exemption-from-training certificate dated 28.04.1998. However, the evidentiary worth of the said document stands seriously impaired by the official verification conducted by the competent authorities. The relevant records pertaining to the alleged exemption were not available in the office concerned and the subsequent inquiry recorded that the entry in the dispatch register itself was forged and that the signatures appearing thereon were also forged. The competent authority having denied the execution of the document, the petitioners cannot derive any legal advantage from a document whose authenticity has not been established by cogent and unimpeachable official material.

48. The principle that emerges from the decisions relied upon by the respondents is equally decisive. Where the very foundation of an appointment is found to be illegal or unsupported by authentic statutory records, the consequential claim for salary from the public exchequer cannot survive independently. The judgment in **Deepak Kumar (supra)**, having been affirmed upon dismissal of the special appeal, has attained finality and constitutes a binding precedent on the controversy. Likewise, the principle noticed in **Amar Prakash Chandra (supra)** makes it clear that, in the absence of authentic official records substantiating the appointment, no enforceable right can be founded upon an otherwise disputed appointment.

49. The subsequent verification, rather than fortifying the petitioners' case, has substantially demolished its foundation. The order dated 31.03.2012 permitting payment of salary was itself made subject to the express stipulation that, if any fact subsequently turned out to be false, the amount paid would be recoverable. Upon the exemption order being found to be false, the said permission was consequently cancelled on 18.04.2012 and directions were issued to stop further payment of salary. Such action cannot, in the circumstances of the present case, be characterised as arbitrary merely because the petitioners had continued in service for a considerable period.

50. There is yet another circumstance which renders the claim of petitioner no. 2 in Writ-A No. 19609 of 2018 wholly untenable. The date of birth disclosed by the petitioner in his own affidavit and Aadhaar Card is 01.01.1978, whereas the alleged approval of his appointment is dated 28.08.1984. On his own showing, therefore, he would have been approximately six years of age at the time of the alleged appointment. Such an assertion is *ex facie* irreconcilable with the statutory requirement of eligibility and renders the alleged appointment inherently incapable of being sustained in law. Rule 8 of the Rules of 1978 mandates that a candidate must have attained the age of eighteen years on the relevant date.

51. The Court is also mindful that long continuation in service, by itself, cannot transmute an otherwise illegal appointment into a lawful one. The doctrine of legitimate expectation cannot be invoked to perpetuate an illegality, nor can the passage of time confer legality upon an appointment which was void or otherwise contrary to the governing statutory provisions. Equally, the State cannot be compelled, in exercise of the extraordinary jurisdiction under Article 226 of the Constitution, to disburse public money towards an appointment the legal foundation of which has not been established.

52. The contention that the petitioners have actually rendered service for the period for which salary is claimed also cannot alter the legal position.

The principle of quantum meruit cannot be employed as a device to validate an appointment made contrary to the statutory framework governing public employment. Payment of salary from the State exchequer necessarily presupposes a lawful appointment against a duly sanctioned post and compliance with the statutory conditions regulating such appointment.

53. The reliance placed by the petitioners upon the earlier verification of the exemption certificate and the fact that salary had, at one stage, been released, is likewise of no avail. An erroneous administrative decision cannot create an indefeasible right contrary to the statute. Where subsequent verification brings to light material circumstances demonstrating that the very basis of the earlier decision was either unauthenticated or fraudulent, the authorities are competent, and indeed obliged, to correct the illegality in accordance with law.

54. In the backdrop of the aforesaid facts and the settled legal position, this Court finds that the petitioners have failed to demonstrate any subsisting legal right to claim salary from the State exchequer from December, 2006 onwards. The impugned action, therefore, does not suffer from any jurisdictional infirmity warranting interference under Article 226 of the Constitution. The extraordinary writ jurisdiction cannot be invoked for enforcing a claim founded upon an appointment whose statutory validity has not been established.

55. Accordingly, the challenge to the impugned order dated 10.08.2018 fails. Both the writ petitions, being devoid of merit, are liable to be dismissed.

56. The writ petitions are, accordingly, dismissed.

57. There shall be no order as to costs.

(Mrs. Manju Rani Chauhan,J.)

08 September, 2026

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