

GAHC020006642022



**THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL
PRADESH)
KOHIMA BENCH**

Case No. : WP(C)/251/2022

SMTI. N. MANNON
D/O P. NAOWANG,
R/O TANIAO WARD,
MON TOWN, NAGALAND,
PIN - 789621

VERSUS

THE STATE OF NAGALAND AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
NAGALAND, NAGALAND, KOHIMA - 797001 2: THE COMMISSIONER AND
SECRETARY TO THE GOVERNMENT OF NAGALAND

DEPARTMENT OF SCHOOL EDUCATION

NAGALAND
KOHIMA - 797001

3: THE PRINCIPAL DIRECTOR (DOSE)

DIRECTORATE OF SCHOOL EDUCATION

NAGALAND
KOHIMA - 797001

4: THE REGISTRAR MEWAR UNIVERSITY
GANGRAR
CHITTORGARH
RAJASTHAN-312901

5: THE CONTROLLER OF EXAMINATION
MEWAR UNIVERSITY
GANGRAR
CHITTORGARH

RAJASTHAN-31290

Advocate for the Petitioner : C. T. JAMIR, SR. ADV, I IMCHEN,ALIBA
OZUKUM,MARLYN RUTSA,TOSHI JAMIR,KROVI TSUKRU,NUNGSANG AIER

Advocate for the Respondent : GOVT ADV NL,

Linked Case : WP(C)/259/2022

SMTI. KHEGHOLI ZHIMOMI
D/O KUHOVI ZHIMOMI

R/O H/NO.586
BLOCK - 6

CHEKIYE VILLAGE
CHUMOUKEDIMA

NAGALAND

VERSUS

THE STATE OF NAGALAND AND 7 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
NAGALAND

NAGALAND
KOHIMA

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
NAGALAND

DEPARTMENT OF SCHOOL EDUCATION

NAGALAND
KOHIMA

3:THE PRINCIPAL DIRECTOR

DIRECTORATE OF SCHOOL EDUCATION

KOHIMA
NAGALAND

4:THE DIRECTOR

DIRECTORATE OF SCHOOL EDUCATION

KOHIMA
NAGALAND

5:THE SR. DISTRICT EDUCATION OFFICER

DIMAPUR
NAGALAND

6:THE DISTRICT EDUCATION OFFICER

DIMAPUR
NAGALAND

7:THE REGISTRAR
JANARDAN RAI NAGAR RAJASTHAN VIDYAPEETH UNIVERSITY
PRATAP NAGAR
UDAIPUR
RAJASTHAN
PIN-313003

8:THE CONTROLLER OF EXAMINATION
JANARDAN RAI NAGAR RAJASTHAN VIDYAPEETH UNIVERSITY
PRATAP NAGAR
UDAIPUR
RAJASTHAN
PIN-313003

Advocate for : P. B. PAUL
Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND AND 7
ORS

Linked Case : WP(C)/262/2022

SMTI. SHIKHELI ZHIMOMI

VERSUS

THE STATE OF NAGALAND AND 7 ORS

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
NAGALAND

DEPARTMENT OF SCHOOL EDUCATION

NAGALAND
KOHIMA

3:THE PRINCIPAL DIRECTOR

DIRECTORATE OF SCHOOL EDUCATION

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NAGALAND

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DIMAPUR
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JANARDAN RAI NAGAR RAJASTHAN VIDYAPEETH UNIVERSITY
PRATAP NAGAR

UDAIPUR
RAJASTHAN-313003

8:THE CONTROLLER OF EXAMINATION
JANARDAN RAI NAGAR RAJASTHAN VIDYAPEETH UNIVERSITY
PRATAP NAGAR

UDAIPUR
RAJASTHAN-313003

Advocate for : P. B. PAUL

Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND AND 7
ORS

Linked Case : WP(C)/114/2022

SMTI. ALILA IMSONG

VERSUS

THE STATE OF NAGALAND AND 4 ORS
REPRESENTED THROUGH THE CHIEF SECRETARY TO THE GOVT. OF
NAGALAND

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF NAGALAND
DEPARTMENT OF EDUCATION
NAGALAND

3:THE PRINCIPAL DIRECTOR (DoSE)
DIRECTORATE OF EDUCATION
NAGALAND KOHIMA

4:THE REGISTRAR DIGBOI B.ED COLLEGE
DIBRUGARH UNIVERSITY
ASSAM-786171

5:THE CONTROLLER OF EXAMINATION
DIGBOI B.ED COLLEGE
DIBRUGARH UNIVERSITY
ASSAM-786171

Advocate for : C. T. JAMIR
SR. ADV

Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND AND 4
ORS

Linked Case : WP(C)/253/2022

SHRI. KIKHUMTHONG YIMCHUNGER
S/O LIMTHURE
H/NO.54
TSUVONG WARD PUNGRO TOWN
KIPHIRE

NAGALAND - 798611

VERSUS

THE STATE OF NAGALAND AND 4 ORS
REPRESENTED THROUGH THE CHIEF SECRETARY TO THE GOVERNMENT OF
NAGALAND
KOHIMA - 797001

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
NAGALAND

DEPARTMENT OF SCHOOL EDUCATION
NAGALAND
KOHIMA - 797001

3:THE PRINCIPAL DIRECTOR

DIRECTORATE OF SCHOOL EDUCATION

NAGALAND
KOHIMA - 797001

4:THE REGISTRAR NAGALAND UNIVERSITY
HEADQUATER-LUMAMI
NAGALAND-798627

5:THE CONTROLLER OF EXAMINATION
NAGALAND UNIVERSITY
HEADQUARTER-LUMAMI
NAGALAND-798627

Advocate for : C. T. JAMIR
SR. ADV

Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND AND 4
ORS

Linked Case : WP(C)/252/2022

SHRI. LONGNA KONYAK
S/O MENTON KONYAK

ZAKLOM WARD
MON TOWN

H/NO.220
MON
NAGALAND - 798621

VERSUS

THE STATE OF NAGALAND AND 4 ORS
REPRESENTED THROUGH THE CHIEF SECRETARY TO THE GOVERNMENT OF
NAGALAND
KOHIMA - 797001

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
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DEPARTMENT OF SCHOOL EDUCATION

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KOHIMA - 797001

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CHITTORGARH
RAJASTHAN-312901

5:THE CONTROLLER OF EXAMINATION
MEWAR UNIVERSITY
GANGRAR
CHITTORGARH
RAJASTHAN-312901

Advocate for : C. T. JAMIR
SR. ADV

Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND AND 4
ORS

Linked Case : WP(C)/254/2022

SHRI. S. LANUTSUBA

S/O SUPONGTEMJEN

R/O ARTANG WARD
C/O ANTICS SHOP

AM ROAD
MOKOKCHUNG DISTRICT
NAGALAND
PIN - 798601

VERSUS

THE STATE OF NAGALAND AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
NAGALAND

KOHIMA - 797001

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
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DEPARTMENT OF SCHOOL EDUCATION
NAGALAND
KOHIMA - 797001

3:THE PRINCIPAL DIRECTOR(DOSE)

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NAGALAND
KOHIMA - 797001

4:THE REGISTRAR NAGALAND UNIVERSITY
HEADQUATER-LUMAMI
NAGALAND-798627

5:THE CONTROLLER OF EXAMINATION
NAGALAND UNIVERSITY HEADQUARTER-LUMAMI
NAGALAND-798627

Advocate for : C. T. JAMIR
SR. ADV

Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND AND 4
ORS

Linked Case : WP(C)/263/2022

SHRI. K. ABENITO AWOMI

S/O SHETOVI AWOMI

R/O H/NO.36
DIPHUPAR

DIMAPUR
NAGALAND

VERSUS

THE STATE OF NAGALAND AND 7 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
NAGALAND

NAGALAND
KOHIMA

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
NAGALAND

DEPARTMENT OF SCHOOL EDUCATION
NAGALAND
KOHIMA

3:THE PRINCIPAL DIRECTOR

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5:THE SR. DISTRICT EDUCATION OFFICER

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NAGALAND UNIVERSITY
HEADQUARTERS
LUMAMI CAMPUS
ZUNHEBOTO
NAGALAND-798627

8:THE CONTROLLER OF EXAMINATION
NAGALAND UNIVERSITY
HEADQUARTERS
LUMAMI CAMPUS
ZUNHEBOTO
NAGALAND-798627

Advocate for : P. B. PAUL
Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND AND 7
ORS

Linked Case : WP(C)/265/2022

SHRI. KHEVISHE ZHIMOMI
S/O KIYASHE ZHIMOMI

R/O ERALIBILL VILLAGE

DIMAPUR
NAGALAND

VERSUS

THE STATE OF NAGALAND AND 7 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
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PRATAP NAGAR

UDAIPUR
RAJASTHAN-313003

8:THE CONTROLLER OF EXAMINATION
JANARDAN RAI NAGAR RAJASTHAN VIDYAPEETH UNIVERSITY
PRATAP NAGAR

UDAIPUR
RAJASTHAN-313003

Advocate for : P. B. PAUL
Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND AND 7
ORS

Linked Case : WP(C)/255/2022

SHRI. AONYEI KONYAK
S/O KEAMANG ANGH

CHINGAI WARD
MON
H/NO.326

MON
NAGALAND - 798621

VERSUS

THE STATE OF NAGALAND AND 4 ORS
REPRESENTED THROUGH THE CHIEF SECRETARY TO THE GOVERNMENT OF
NAGALAND
KOHIMA - 797001

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
NAGALAND

DEPARTMENT OF SCHOOL EDUCATION
NAGALAND
KOHIMA - 797001

3:THE PRINCIPAL DIRECTOR

DIRECTORATE OF SCHOOL EDUCATION

NAGALAND
KOHIMA - 797001

4:THE REGISTRAR NAGALAND UNIVERSITY
HEADQUATER-LUMAMI
NAGALAND-798627

5:THE CONTROLLER OF EXAMINATION
NAGALAND UNIVERSITY HEADQUARTER-LUMAMI
NAGALAND-798627

Advocate for : C. T. JAMIR
SR. ADV

Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND AND 4
ORS

Linked Case : WP(C)/260/2022

SMTI. TOHULI V. CHOPHI

VERSUS

THE STATE OF NAGALAND AND 7 ORS

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
NAGALAND

DEPARTMENT OF SCHOOL EDUCATION
NAGALAND
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PRATAP NAGAR

UDAIPUR
RAJASTHAN-313003

Advocate for : P. B. PAUL
Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND AND 7
ORS

Linked Case : WP(C)/261/2022

SHRI. K. HUKATO ZHIMOMI

VERSUS

THE STATE OF NAGALAND AND 7 ORS

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
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8:THE CONTROLLER OF EXAMINATION
JANARDAN RAI NAGAR RAJASTHAN VIDYAPEETH UNIVERSITY
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RAJASTHAN-313003

Advocate for : P. B. PAUL
Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND AND 7
ORS

Linked Case : WP(C)/264/2022

SMTI. V. HEKALI CHOPHY
D/O VIKIYE CHOPHY

R/O H/NO.312
PURANA BAZAR

DIMAPUR
NAGALAND

VERSUS

THE STATE OF NAGALAND AND 7 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
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NAGALAND
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2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF

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RAJASTHAN-313003

8:THE CONTROLLER OF EXAMINATION
JANARDAN RAI NAGAR RAJASTHAN VIDYAPEETH UNIVERSITY
PRATAP NAGAR

UDAIPUR
RAJASTHAN-313003

Advocate for : P. B. PAUL
Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND AND 7
ORS

**BEFORE
HON'BLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 09.09.2025

As common facts arise in all these cases, all the matters were analogously listed and argued by the learned senior counsel/counsel for the appearing parties. Accordingly, with the consent of all sides, the matter was analogously heard.

2. Heard Mr. C.T. Jamir, learned senior counsel, assisted by Mr. I. Imchen, learned counsel for the petitioners in WP(C) 251/2022, WP(C) 114/2022, WP(C) 252/2022, WP(C) 253/2022, WP(C) 254/2022, and WP(C)/255/2022; Mr. T.B. Jamir, learned counsel for the petitioners in WP(C) 259/2022, WP(C) 260/2022, WP(C) 261/2022, WP(C) 262/2022, WP(C) 263/2022, WP(C) 264/2022, and WP(C) 265/2022. Also heard Mr. N. Angami, learned Senior Govt. Advocate for the State respondents; Mr. T. Imchen, learned counsel for the respondent nos.4 and 5 in WP(C) 251/2022, and WP(C) 252/2022; Mr. M. Jamir, learned counsel for the respondent nos.4 and 5 in WP(C) 253/2022, WP(C) 254/2022, and WP(C)/255/2022 and respondent nos.7 and 8 in WP(C) 263/2022; and Mr. S. Bhardwaj, learned counsel for the respondent nos.7 and 8 in WP(C) 259/2022, WP(C) 260/2022, WP(C) 261/2022, WP(C) 262/2022, WP(C) 263/2022, WP(C) 264/2022, and WP(C) 265/2022.

3. By filing this writ petition under Article 226 of the Constitution of India, all the petitioners in WP(C) 251/2022, WP(C) 252/2022, WP(C) 259/2022, WP(C) 260/2022, WP(C) 261/2022,

WP(C) 262/2022, WP(C) 264/2022, and WP(C) 265/2022, who were appointed as Primary Teacher; and the petitioners in WP(C) 114/2022, WP(C) 253/2022, WP(C) 254/2022, WP(C)/255/2022, and WP(C) 263/2022, who were appointed as Graduate Teachers, whose services were terminated pursuant to the inquiry conducted and by passing of the order dated 08.06.2022, as well as removal order dated 08.06.2022, have prayed for quashing of the Inquiry Report dated 07.04.2022, order dated 08.06.2022, passed by the Principal Director, Directorate of School Education, thereby ordering removal from service, followed by another order dated 08.06.2022, thereby ordering removal from service, as well as the appellate order dated 29.09.2022, annexed in all the writ petitions except WP(C) 263/2022, as well as appellate order dated 12.09.2022 annexed in WP(C) 263/2022, thereby dismissing the appeal filed by the petitioners.

4. In brief, the case of the petitioners is that pursuant to an employment advertisement, which was published on 09.12.2011 by the Directorate of School Education, Govt. of Nagaland for filling up the posts of Primary Teachers and Graduate Teachers, the petitioners had applied for appointment to the said posts. Upon clearing the examination conducted by the authorities, the petitioners had joined in various schools. In support of their educational qualification, amongst others, the petitioners who had applied for the post of Primary Teachers, had submitted their Diploma in Elementary Education (D.El.Ed for short) from various private universities and those petitioners, who were appointed in the post of Graduate Teachers, had submitted their Bachelor in Education (B.Ed for short) degree from various private universities.

While in service, all the petitioners were issued show-cause notice, *inter alia*, stating that they had submitted fake degree/diploma and they were directed to show cause within 10 (ten) days as to why disciplinary proceeding should not be initiated against them for violation of Nagaland Government Servants Conduct Rules, 1968. The petitioners had submitted their respective show-cause reply. Subsequently, all the petitioners were served with memorandum dated 02.03.2022, accompanied with the statement of Articles of Charges, statement of imputations of misconduct, list of documents and the list of witnesses by whom the article of charges framed against the petitioners was proposed to be sustained.

5. The grievance of the petitioners is that though they had filed their written statement and appeared before the Board of Inquiry in person on the date fixed, but the petitioners were not given the opportunity of being personally heard by the Board of Inquiry and instead, they were supplied with a questionnaire by the Board of Inquiry and they were required to put their answers in the questionnaire, which was supplied to the petitioners. Accordingly, it has been projected by the petitioners that there was violation of principles of natural justice and they were condemned without being heard by the Board of Inquiry. The petitioners had preferred separate appeals, which was however, dismissed and accordingly, this writ petition has been filed.

6. During the course of submissions, Mr. C.T. Jamir, learned senior counsel as well as Mr. T.B. Jamir, learned counsel for the petitioners have both submitted that in course of enquiry, the verification report regarding their fake degree/diploma were not furnished to the petitioners, and moreover, the Board of Inquiry had

not examined any witnesses to prove any document. Moreover, it is submitted that the petitioners were denied any opportunity of cross-examining any witness as no witness was examined and no opportunity was granted by the Board of Inquiry to the petitioners to give their evidence in defence. In support of their submissions, the learned senior counsel and the learned counsel for the petitioners have cited the following cases: (1) *State of Uttar Pradesh & Ors. v. Saroj Kumar Sinha*, (2010) 2 SCC 772; (2) *Allahabad Bank & Ors. v. Krishna Narayan Tiwari*, (2017) 2 SCC 308; (3) *President, Nagar Panchayat Umari v. Shyam Charan Chaturvedi & Ors.*, (2023) 18 SCC 311: (2021) SCC OnLine SC 995; (4) *Smti. Aosenla Pongener v. The State of Nagaland & Ors.*, WP(C) 112/2022, decided on 13.10.2023; (5) *Union of India v. T.R. Varma*, AIR (1957) SC 882; (6) *Hardwari Lal v. State of U.P. & Ors.*, (1999) 8 SCC 582; and (7) *Roop Singh Negi v. Punjab National Bank & Ors.*, (2009) 2 SCC 570.

7. Per contra, the learned Senior Govt. Advocate has submitted that the degree as well as Diploma in Elementary Education, as submitted by the petitioners were sent for verification. Thereafter, upon verification, when it came to their notice that the degree/diploma as submitted by the petitioners were fake, the petitioners were submitted with show-cause notice dated 17.02.2022, which was followed by a reply submitted by the petitioners, wherein all the petitioners asserted that they were enrolled in their respective universities. Thereafter, memorandum of charges were served on the petitioners, who had submitted their written statement and thereafter, the petitioners were served with the Inquiry notice under Rule 9(2) of the Nagaland Services

(Discipline & Appeal) Rules, 1967, directing the petitioners to be present before the Board of Inquiry on the date mentioned in the notice to the individual petitioners and to appear before the Board of Inquiry with all relevant documents pertaining to pursuing of the D.El.Ed/B.Ed.; to intimate the name of the defence counsel, if intended to be engaged; to inspect the documents as per list which was sent to them; to submit the list of witnesses and the issues addressed by those witnesses; and to submit a list of documents. Thereafter, the Inquiry Report was furnished to the petitioners and by forwarding the memorandum dated 08.04.2022, the petitioners were put to notice to make representation before the Inquiring Authority within a period of 15 (fifteen) days and accordingly, the petitioners have submitted their reply to the memorandum dated 08.04.2022. Thereafter, the impugned order dated 08.06.2022 was passed by holding the petitioner to be guilty of willful violation of Rule 4 (Section 1) Sub Section (i) and (iii) of the Nagaland Government Servants Conduct Rules, 1968 and a penalty of removal from service was passed by providing that the same shall not be disqualification for future employment, further providing that the order imposing penalty was being issued separately. Accordingly, a separate order dated 08.06.2022 was passed for removal from service.

8. The learned Senior Govt. Advocate has submitted that none of the petitioners have suffered any prejudice as the fake degree/diploma were their own document. Moreover, it is submitted that in paragraph-17 of the WP(C) 251/2022, the stand of the petitioner is that the degree was from unrecognized university and therefore, those cannot be termed as fake. Accordingly, it is

submitted that the petitioners have taken misleading stand in the writ petition, for which the writ petition was liable to be dismissed in limine. Moreover, it is submitted that there being no pleading of prejudice, the disciplinary order was not liable to be lightly interfered with as the degree/diploma held by the petitioners are found to be fake. It further submitted that the fact that the degrees/diplomas that were obtained by the petitioners are fake, is supplemented by the stand of the respective universities, who have filed response denying that the degrees/diplomas were issued by them. In support of his submission, the following cases have been cited: (1) *Om Prakash Mann v. Director of Education (Basic) & Ors.*, (2006) 7 SCC 558; (2) *State of Meghalaya & Ors. v. Mecken Singh N. Marak*, (2008) 7 SCC 580; and (3) *Indian Oil Corporation Limited v. Rajendra D. Harmalkar*, (2022) 17 SCC 361.

9. Mr. S. Bhardwaj, learned counsel appearing for Janardhan Rai Nagar Rajasthan Vidyapeeth, Rajasthan University and Mr. M. Jamir, learned counsel for the Nagaland University, have both submitted that the petitioners were not the students of the private universities and the authorities of the said private universities have denied issuing of such certificates and that it is also submitted that the Directorate of School Education had provided 948 documents to the Nagaland University for verification and on verification, it was found that none of the petitioners were enrolled in the colleges as projected by the petitioners and accordingly, a report was submitted by the Nagaland University to the Director of School Education.

10. It may be stated that there is a consensus at the Bar amongst the learned senior counsel and all the appearing learned counsel that in all these writ petitions, common issues are involved

and similar documents have been annexed to the respective writ petitions and therefore, the submissions by all the learned appearing senior counsel/counsel have been made with W.P.(C) No. 251/2022, as the lead case. As submitted at the Bar, WP(C) 114/2022, WP(C) 253/2022, WP(C) 254/2022, WP(C)/255/2022, and WP(C) 263/2022 relate to Graduate Teachers and WP(C) 251/2022, WP(C) 252/2022, WP(C) 259/2022, WP(C) 260/2022, WP(C) 261/2022, WP(C) 262/2022, WP(C) 264/2022, and WP(C) 265/2022 relate to Primary Teachers.

11. From the employment advertisement, it is seen that the required minimum educational qualification of the post of Primary Teachers is that they should be 10+2/PU passed with 45% marks and above from any recognized Board/University and that the minimum educational qualification of Graduate Teachers is that they should hold a Graduate Degree in any discipline with 45% and above from any recognized University. Moreover, the said advertisement also provides that preference would be given to those who hold qualification as morefully stated in the employment advertisement, however, also providing that preference would be given to candidates having qualification of Pre-service Teacher Education (PSTE)/ Bachelor of Education (B.Ed.). It is reiterated that it has been submitted by the learned senior counsel/ counsel for the appearing parties that the PSTE is a requirement of the Primary Teachers and B.Ed. is the requirement for Graduate Teachers.

12. The petitioners have made a categorical statement in the writ petition that they have the eligibility to hold the post of Primary Teachers and/or Graduate Teachers, as the case may be. However, the petitioners have also stated that prior to their appointment, they

have given an undertaking/ declaration that they would complete B.Ed./PSTE, the requisite qualification for teaching within three years from the date of appointment. This indicates that those petitioners, who had given such an undertaking, did not possess the qualification of B.Ed./PSTE on the date they had applied for the post and/or were appointed by the respondent.

13. Be that as it may, the Principal Director, Directorate of School Education, Nagaland, served show-cause notices to all the petitioners, *inter alia*, stating therein that fake Degree/Diploma were submitted by them, which was responded to by the petitioners. The same was followed by issuance of Memorandum under Rule 9(2) of the Nagaland Service Discipline and Appeal Rules, 1967, which was also responded to by the petitioners. The Directorate of School Education, Nagaland, constituted a Board of Inquiry to Inquire into the charges framed against the petitioners. Accordingly, the Deputy Director and Chairperson, Board of Inquiry, had issued "Inquiry notice" to all the petitioners.

14. In the Inquiry Report, it has been stated, amongst others, as follows:-

"The Board of Inquiry summoned the charged Government Servant to present himself for a hearing before it on 30th March 2022 at 10:00 a.m. at the Directorate of School Education, Kohima, Nagaland. The statement of the charged Government Servant was recorded and all materials/ documents related to the case were summoned and examined.

15. In the lead case, the petitioner in W.P.(C) 251/2022 has stated, *inter alia*, that obtaining of educational certificates from unrecognized universities was unintentional, as they considered those Universities as a recognized open university. It has further

been stated that the allegation of fake documents is misconceived as the documents obtained through unrecognized university cannot be termed as fake certificates and it has further been stated that pursuing D.El.Ed. Course from unrecognized universities was an unintentional mistake committed by the petitioner. It has been submitted by the learned senior counsel/counsel for the petitioners that statements somewhat similar to one made in W.P.(C) 251/2022, have been made in the other writ petitions.

16. In this regard, it may be stated that The Registrar, Mewar University and the Controller of Examination, Mewar University have been impleaded in W.P.(C) 251/2022 as respondent nos. 4 and 5. The learned counsel for the said respondent nos. 4 and 5 has appeared through video-conference mode and has submitted on behalf of the said respondents that petitioners in W.P.(C) Nos. 251/2022 and 252/2022, were not enrolled in their University and that the educational certificates produced by those petitioners were fake. The petitioners have not been able to successfully controvert the said stand of the Mewar University. Similarly, the learned counsel for the Nagaland University has also submitted that in their verification, they had also arrived at a finding that the certificates submitted by the petitioners, purportedly acquiring educational qualification of Diploma in Education/ PSTE/ B.Ed. respectively, were fake.

17. The respondent nos. 1, 2 and 3, in their affidavit-in-opposition filed in W.P.(C) Nos. 114/2022 has stated that the B.Ed. degree of the said petitioner is fake as Dibrugarh University does not have territorial jurisdiction outside Assam. Moreover, it was stated that the Controller of Examination, Dibrugarh University, by a

letter dated 23.07.2021, has informed the Joint Secretary to the Govt. of Nagaland, School Education Department that the marksheet of the petitioner was found to be fake. The authorities of Nagaland University, in its affidavit-in-opposition filed in W.P.(C) Nos. 253/2022, 254/2022, 255/2022 and 263/2022, has stated that the petitioner was not enrolled in the course offered by Salt Christian College, Dimapur, affiliated to Nagaland University.

18. In connection with W.P.(C) Nos. 259/2022, 260/2022, 261/2022, 262/2022, 264/2022 and 265/2022, the Registrar of Janardan Rai Nagar Rajasthan Vidyapeeth (Deemed to be University), Udaipur had submitted an affidavit-in-opposition and has stated that the documents annexed to the writ petition purported to be of the University does not pertain to the University and in fact the said document, i.e. admit card, mark-sheet and pass certificate, are not genuine and that these petitioners were neither enrolled nor completed any course in their University.

19. Therefore, as the educational documents of all the petitioners, relating to their Diploma and Degree in Education are stated to be fake by the competent authorities of the three Universities from which they were allegedly obtained, principles of equity does not appear in favour of the petitioners.

20. The learned senior counsel and learned counsel for the petitioners had strenuously submitted against the illegality committed by the Inquiry Board, and they had urged upon the Court to set aside the Inquiry Report and the consequent decision by the Disciplinary authority, and supported their submissions with the cases cited by them. Nonetheless, when it has been revealed in

these writ proceedings that the Diploma and Degree in Education, which the petitioners had respectively produced before the Department of School Education, were fake and/or not genuine, the Court is of the considered opinion that this is an appropriate case where the *doctrine of empty formality* or principle of idle ceremony would be squarely applicable.

21. The Division Bench of Patna High Court, in the case of *State of Bihar & Ors. v. Kamlesh Kumar & Anr.*, (2025) 2 BLJ 246: (2025) 0 Supreme(Pat) 102, has observed that the Courts have discarded the principle of natural justice when satisfied that the outcome of the case would not have been different, had the principle of natural justice been fully observed.

22. In the case of *S.L.Kapoor v. Jagmohan*, AIR 1981 SC 136, the Supreme Court of India has laid down that "... if upon admitted or indisputable facts only one conclusion was possible" then in such a case, the principles that breach of natural justice was in itself prejudice, would not apply. In other words, if no other conclusion was possible on admitted or indisputable facts, it will not be necessary to quash an order which was passed in violation of natural justice.

23. In the case of *Aligarh Muslim University & Ors. v. Mansoor Ali Khan*, AIR 2000 SC 2783, the Supreme Court of India had considered whether on the facts of the case the employee can invoke the principle of natural justice and whether it was a case where, even if notice had been given, result would not have been different and whether it could be said that no prejudice was caused to him, if on the admitted or proved facts, grant of an opportunity

would not have made any difference. It was observed:

“It will be sufficient, for the purpose of the case of Mr. Mansoor Ali Khan as to show that his case will fall within the exceptions stated by Chinappa Reddy, J in S.L. Kapoor (supra), namely, that on the admitted or indisputable facts- only one view is possible. In that event no prejudice can be said to have been caused to Mr. Mansoor Ali Khan through notice has not been issued.”

24. In the case of *Mohd. Sartaj & Anr., v. State of U.P.*, AIR 2006 SCW 399: (2006) 2 SCC 315: (2006) 0 Supreme (SC) 37, after considering a number of its earlier decisions made the following observations with regard to the requirement of giving notice:

“19. In the present case, the appellants’ case fall within the exception laid down in S.L. Kapoor’s case (supra) and other supporting cases, as admittedly, the appellants were not qualified and they did not possess the B.T.C. or Hindustani Teacher’s Certificate or Junior Teacher’s Certificate or Certificate of Teaching or certificate of any other training course recognized by the State Government as equivalent thereto at the time of their initial appointment. In view of the basic lack of qualifications, they could not have been appointed nor their appointment could have been continued. Hence the appellants did not hold any right over the post and therefore no hearing was required before the cancellation of their services. In the present case, the cancellation order has been issued within a very short span of time giving no probability for any legitimate expectation to the appellants regarding continuation of their service. There was no separate appointment order issued in favour of the appellants but the memorandum dated 19.6.85 wherein the list of selected candidates was published, provided that all the selected candidates must join their respective schools/colleges within 15 days and from this the nature of appointment made cannot be ascertained. Moreover, the cancellation order itself gives an opportunity that if they do hold and possess the B.T.C. qualification along with intermediate qualification, they may contact and get the same verified on 14.8.85 by the appointing authority and they may bring this to the notice of the concerned authorities. The copy of the order of cancellation was also sent to the Principal concerned of the institution with the remarks that he should relieve Urdu teacher with immediate effect if he did not possess the certificate of passing the examination of intermediate and B.T.C.; and, if he possessed these certificates he should submit the same to the office of the District Basic Education Officer, Muzaffarnagar.

Therefore, it is apparent that any person having the basic qualification for the appointment can produce it before the concerned official so that immediate steps can be taken with regard to the order of appointment cancellation.

20. In our opinion, on the above facts no prejudice has been caused to the appellants by not serving notice of giving hearing before the order of cancellation was issued."

25. In this batch of writ petitions the authorities whose educational certificates that were relied upon by the petitioners have declared them to be fake. Thus, those documents would not entitle the petitioners to be appointed in the first place. Therefore, when the petitioners were not qualified and did not possess Degree/ Diploma in Education and had submitted fake degrees, they lacked basic qualification and the petitioners could not have been appointed nor their appointment could have been continued. Therefore, in the opinion of the Court, upon the above facts, no perceivable prejudice has been caused to the petitioners although the enquiry proceedings were not strictly in accordance with the settled law.

26. In light of the discussions above, the Court does not find any substance in the challenge to the impugned orders of termination of all the petitioners in this batch of writ petitions.

27. Accordingly, these writ petitions fail and the same are dismissed. However, there shall be no order as to cost.

Sd/-

JUDGE

Comparing Assistant