



CWP-2506-2023 (O&M) and other connected cases

-1-

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP-2506-2023 (O&M)
Reserved on :August 02, 2025
Pronounced on: 04.09.2025**

SUSHIL KUMAR

..... PETITIONER

Vs

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CWP-2688-2024

DHARAMBIR

..... PETITIONER

V/S

HARYANA SEEDS DEVELOPMENT CORPORATION LIMITED

..... RESPONDENTS

CWP-3034-2024

VIKAS KUMAR

..... PETITIONER

V/S

STATE OF HARYANA AND OTHERS

..... RESPONDENTS

CWP-4253-2024 (O&M)

ANAND GOYAT

..... PETITIONER

V/S

HARYANA SEEDS DEVELOPMENT CORPORATION LIMITED

..... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ROHIT KAPOOR

Present : Mr. Jasbir Mor, Advocate,
for the petitioner in CWP-2506-2023.

Mr. Amit Khatkar, Advocate,
for the petitioner in CWP-4253-2024.

Mr. Rohit Aggarwal, Advocate,
for the petitioner in CWP-3034-2024.

Mr. Raja Sharma, Advocate and
Mr. Kamal Sharma, Advocate
for the petitioner in CWP-2688-2024 and
for respondent No.3 in CWP-2506-2023.



CWP-2506-2023 (O&M) and other connected cases

-2-

Mr. Rajeev Malhotra, DAG, Haryana.

Mr. Baldev Raj Mahajan, Senior Advocate with
Ms. Nitika Goel, Advocate,
for respondent No.1 in CWP-2506-2023.

Mr. Gaurav Jindal, Advocate,
for the respondent-HSDC in CWP-2688-2024,
CWP-3034-2024 and CWP-4253-2024.

ROHIT KAPOOR, J.

1. By this common judgment and order, I propose to dispose of
aforementioned four civil writ petitions, as they emanate from the same
selection process and involve common questions of law and facts.

FACTUAL MATRIX:

2. The Haryana Staff Selection Commission-respondent No.2
issued advertisement No.1/2020 (Annexure P-1) dated 12.02.2020 and, *inter
alia*, invited applications for four posts of ‘Marketing Assistant’ under
category No. 36, for Haryana Seeds Development Corporation (‘hereinafter
referred as ‘HSDC’). Out of total four seats, one each was earmarked for
General, Scheduled Caste, Backward Class-A and Economically Weaker
Section categories, respectively. The essential qualification for the post was
as under:-

*“i) Graduate with at least one year experience of
Marketing of Agril. Products.*

*ii) Hindi/Sanskrit as one of the subject in
Matriculation or Higher.”*

3. The opening date for submission of online applications was 03rd
of March, 2020 while closing date for submission of online applications was



24th of March, 2020, by 11:59 P.M. It was specifically mentioned under clause 1.3 (4) of the advertisement that: *“If on verification at any stage starting from submitting application form till appointment and any time even after appointment, it is found that any candidate does not fulfill any of the eligibility condition or it is found that the information furnished is false or incorrect, his/her candidature will be cancelled and he/she will also be liable to be criminally prosecuted. This is irrespective of whether the candidate was benefitted by furnishing the false or incorrect information in his/her application.”*

4. Clause 2.4 of the advertisement pertains to regulatory framework and sub-clause 4 thereof states that: “Experience Certificate issued by the concerned Appointing Authority: Refer Annexure D1.”

5. The proforma/format for experience certificate was appended as Annexure D-1 with the advertisement, which reads as under:-

“Experience Certificate

1. This is to certify that Shri/Smt/Ms/Kumari
-----son/daughter/wife of
Shri.----- resident of-----
village/town----- Tehsil----- District ----- of
the Haryana State/Union Territory has been serving as
----- (complete nomenclature of the post) in the
office
of----- (Department/Board/Corporation/Company/
Statutory Body/Commission /Authority of Government of Haryana
or any State Government or Government of India.)

2. The period of engagement was
from----- to ----- and the completed years
and months are ----- (years & months).

3. The EPF account no. (if any)
is/was-----”

6. As per note No. 16 of clause 2.4, it was stipulated that: *“If on*



verification at any stage, it is found that any candidate does not fulfill any of the eligibility condition or it is found that the information furnished is false or incorrect, his/her candidature will be cancelled and he/she will also be liable to be criminally prosecuted. This is irrespective of whether the candidate was benefitted in his/her application from that particular eligibility condition or not”.

7. The respondent-Commission conducted the written examination on 20.08.2021 and the result was declared on 06.12.2021. The short-listed candidates were called for scrutiny of their documents on 12.12.2021 and the final result of the selection was declared on 27.07.2022 wherein the petitioners in CWP-2688-2024, CWP-4253-2024 and CWP-3034-2024 were selected in the S.C., EWS and BC-A categories, respectively. The petitioner in CWP-2506-2023 was kept in waiting list in the schedules caste category. It emanates from the record that the respondent-Commission, vide its letter dated 03.08.2022 forwarded the list of four selected candidates as well as eight candidates in the waiting list, to the Managing Director of HSDC, wherein, it was *inter alia* mentioned that the documents pertaining to the essential qualification and experience etc. of the candidates, as claimed by them, be got checked/verified from the Issuing Authority, before they are allowed to join their duties.

8. The petitioner in CWP-2506-2023, who belongs to the scheduled caste category and claimed to have the essential qualification and experience, having worked with the HSDC from 20.05.2013 to 15.09.2015,



submitted a representation dated 03.09.2022 to the Respondent-Corporation alleging that he has come to know from the reliable sources that candidates with fake and bogus experience certificates have been selected on the post of Marketing Assistant and their experience was not properly verified by the respondent-authority before making their appointment. He requested that an inquiry should be done regarding veracity of experience certificates held by the selected candidates. The representation was followed with a legal notice dated 07.09.2022 reiterating the request for verification of the experience certificates from any independent agency like State Vigilance Bureau. It was further requested that, after due verification, the candidates, who are found with fake and fabricated experience certificates, be weeded out and the candidates next in order of merit may be selected and appointed on the said post.

9. Aggrieved by inaction of the authorities, he filed CWP-2506-2023, seeking a writ in the nature of *mandamus* for issuance of appropriate directions to the respondent-authorities to cross-check and verify the experience certificates of the selected candidates, including respondent No. 3, the candidate selected in the S.C. category (*petitioner in CWP-2688-2024*), from an independent Government agency and the candidates selected on the basis of bogus/fabricated/invalid experience certificates be weeded out from the selection list. Further prayer has been made that the candidates like the petitioner, next in order of merit, be appointed on the post of 'Marketing Assistant' with all consequential benefits.

10. HSSC, in its counter, *inter alia* stated that it is merely a



recruiting agency and carries out the recruitment process strictly as per terms and conditions and essential qualification as per requisition received for the post in question. It is further the categoric stand of the Commission that the verification of the documents/certificates was to be conducted by the concerned Department as clearly mentioned in the recommendation letter.

11. Stand of the Respondent-Corporation is that after receipt of the legal notice dated 07.09.2022, it formed a committee to enquire into the genuineness of certificates of all the three candidates appointed on the post of Marketing Assistant. The Committee, after detailed investigation, submitted a report dated 16.02.2023, wherein it was found that the experience certificates of three selected candidates, including respondent No.3, were invalid. Upon finding the report incomplete, three more members were included in the Committee, vide order dated 23.06.2023. It is further stated that respondent No.3 had filed CWP-893-2023 seeking directions for issuance of appointment letter to him and accordingly, the same was issued in his favour on 19.04.2023. It is the further stand of the respondent-corporation that after detailed deliberations, the re-constituted Committee was again of the view that the newly appointed Marketing Assistants do not fulfill the eligibility. The additional report of the Committee dated 25.08.2023 was placed on record as Annexure R-3.

12. Perusal of the report shows that it was *inter alia* mentioned that the statements given by the candidate Shri Anand Goyat (*Petitioner in CWP-4253-2024*) as well as his employer M/s Mycogene Crop Sciences (India) are contradictory because of change of statements from time to time. Further, the other two candidates i.e., Shri Vikas Kumar (*Petitioner in CWP-*



3034-2024) and Shri Dharambir Singh (*Respondent No.3 & Petitioner in CWP-2688-2024*), as well as their employers have not been able to provide any document to authenticate their working and no relevant record pertaining to salary, EPF etc. in their firms, was found. A tabulation containing particulars of the said three selected candidates was appended with the Committee Report, wherein it was found that the said candidates do not fulfill the eligibility for the post of Marketing Assistant.

13. In pursuance to the findings of the Committee, Show Cause Notices dated 06.11.2023 were issued to the aforementioned selected candidates, wherein a reference was made to condition Nos. 7 and 10 (d) of the appointment letters issued in their favour, which read as under:-

“7. In case any information furnished by you in connection with the appointment is found incorrect or correct information is found to be suppressed at any stage you will be liable to removed from the services at any time without any notice.

10 (d) If certificates submitted by you are found fake at any stage, your services will be terminated without any notice and criminal case will be registered against you.”

14. In the Show Cause Notices, a brief summary of the grounds on which the Committee did not find the experience certificates of the candidates in question, as valid, were mentioned. Being *prima facie* of the view that the appointment was secured by way of submitting fabricated/bogus experience certificates, the said selected candidates were advised to file reply to the Show Cause Notice within a period of 15 days, failing which action, as per the conditions mentioned at serial No.7 and 10 (d) of appointment letter, was contemplated.



15. It emanates from the record that detailed replies were filed in response to the show cause notices, wherein the allegations contained therein were controverted and it was, *inter alia*, stated that complete proof regarding the genuineness of the experience certificates had been submitted. Additionally, withdrawal and filing of the show cause notices were sought on grounds like the same being without jurisdiction, the matter being sub-judice and that the action of the authority was *mala fide*. Documents/affidavits and other proof was appended with the replies in order to show that the experience certificates were genuine.

16. After receipt of the replies of the concerned selected candidates, the respondent-Corporation provided them an opportunity of personal hearing and subsequently passed three separate orders, all dated 01.02.2024, whereby after giving individual reasons it was held that the concerned selected candidates did not fulfill the eligibility criteria for experience for the post of Marketing Assistant and their services were dispensed with immediate effect, in terms of conditions No. 7 and 10(d) of the appointment letter.

17. CWP-2688-2024 was filed by the candidate selected in the S.C. category, for setting aside the show cause notice dated 06.11.2023 and termination order dated 01.02.2024. A Coordinate Bench of this Court, vide order dated 07.02.2024 issued notice of motion and notice re: stay as well.

18. It is apposite to mention that the other two selected candidates in the BC-A and EWS categories, also filed CWP No.3034-2024 and



CWP-4253-2024, respectively. The prayer in CWP No.3034-2024 is for issuance of a writ in the nature of *certiorari* for quashing the order of termination dated 01.02.2024 and for issuance of directions to the respondent-Corporation to restore appointment and release salary for the period starting from October, 2022 till February, 2024. The petitioner in CWP-4253-2024 has also sought quashing of termination order dated 01.02.2024 with a further prayer seeking directions that the respondent should reinstate the petitioner with effect from 01.02.2024 and be directed to pay the salary and other benefits. Notice of motion as well as notice re: stay as well, was issued in both the petitions and all the three petitions were directed to be heard together.

19. It appears from the record that an application dated 19.02.2024 was submitted by the petitioner in CWP-2688-2024 before the Managing Director of the respondent-Corporation by enclosing a copy of the order dated 07.02.2024 passed by this Court, with a request to accept his joining report and to allow him to resume his duties. Misinterpreting the orders dated 07.02.2024 and 12.02.2024 passed by this Court as stay orders, the respondent-Corporation allowed the petitioners in CWP-2688-2024 and CWP-3034-2024 to join their duties vide letter dated 21.02.2024, subject to the outcome of their writ petitions. The Corporation having realized that the orders of termination were never stayed by this Court, withdrew the orders dated 21.02.2024, vide letter dated 01.03.2024, with immediate effect. In pursuance thereto, the petitioner in CWP-2688-2024 amended his writ petition and also sought the quashing of the withdrawal order dated 01.03.2024, in addition to the challenge to the show



cause notice and termination order, as was done earlier.

20. By order dated 24.03.2025, Coordinate Bench of this Court, directed the Commission and Corporation to file affidavit disclosing whether experience with the proprietorship concern was valid for complying with eligibility criteria. In compliance of the order, an additional affidavit dated 15.07.2025 was filed on behalf of the respondent-Corporation, wherein it was conceded that so far as experience for consideration for essential qualification is concerned, there is no requirement that such experience certificate should be issued by any particular authority and thus, the same can be considered even if the certificate is issued by a proprietorship concern.

21. It is also relevant to take note of the fact that the three petitioners, who have challenged the impugned show cause notices and termination orders have appended documents/material in the shape of attendance registers, salary slips, ITRs, affidavits etc. of erstwhile employers in order to substantiate their claim that the experience certificates issued in their favour was genuine and to show that the authority, while passing the termination order, did not consider such relevant material. It is the case of the said petitioners that they never got a fair opportunity of hearing since the inquiry report was not supplied to them.

CONTENTIONS OF THE PARTIES

22. Learned counsel for the petitioner in CWP-2506-2023 has argued that the allegations as raised by the petitioner stand fully



substantiated in so much so, that the Committee constituted by the respondent-Corporation, after conducting a detailed inquiry has found the experience certificates of the selected candidates as fake/bogus. It is urged that neither the concern selected candidates nor their alleged erstwhile employers were able to prove disbursement of salary for the period in question and have also not been able to give any proof whatsoever regarding attendance, EPF, ESI or any account being maintained by them, showing payment of salary in cash. It is argued that it is well settled proposition of law fraud vitiates everything and hence, the appointment obtained by the said selected candidates, by misrepresentation and fraud, has been rightly set aside. He places reliance upon the ratio of the judgment of the Hon'ble Supreme Court of India in the case of 'Ritesh Tewari and another Vs. State of U.P. and others', (2010) 10 SCC 677, wherein it was *inter alia* held that if an order is bad in its inception, it does not get sanctified at a later stage. A subsequent action/development cannot validate an action which was not lawful at its inception, for the reason that the illegality strikes at the root of the order. He has further argued that once it was the specific requirement in the advertisement that the experience certificate was to be as per the format given in Annexure D-I, which mandated that the experience should be from a Department/Board etc. of Government of Haryana or any State Government or Government of India, then it is impermissible for the respondent-corporation to relax such a requirement subsequently. It is, therefore, his contention that the appointment of the selected candidates cannot be sustained and they are required to be weeded out and the petitioner, who is next in order of merit, should be appointed to



the post of Marketing Assistant and granted all consequential benefits.

23. Per contra, learned counsel for the petitioner in CWP-2688-2024, has argued that the conceded position as per the respondent-Corporation is that as per the advertisement the only essential qualification was that the candidate should have one year of experience of marketing of agricultural products and there was no such requirement that it has to be from any statutory Board/Company or department of the State. It is argued that the advertisement is the *magna carta* and that the rules of the game cannot be changed subsequently and therefore, in absence of any requirement under the advertisement to submit additional certificates or material like salary slips, attendance register, proof of EPF/ESI etc., the action of the respondent-corporation is patently illegal. It is his further argument that the order of termination is vitiated on account of non-application of mind to the individual facts involved, as in the case of the petitioner in CWP-2688-2024, there was no requirement of proof regarding EPF/ESI etc. and the documents/material like attendance registers/salary slips/ITRs and licenses etc., have not been taken into consideration.

24. It is the further submission of the learned counsel for the petitioner in CWP-2688-2024 that the impugned action of the Corporation is actuated in *malice*, as it has been taken at the behest of petitioner in CWP-2506-2023, who is alleged to be the son of an ex-employee of the Corporation. It is argued that although an opportunity of hearing is alleged to have been provided, however, the same was a farce since the petitioner was never associated with the inquiry, nor the inquiry report was ever



provided to him, resulting in failure of principles of natural justice. The attention of the Court has been drawn to the material appended with CWP-2688-2024 to contend that there was sufficient proof to fully establish that the experience certificate of the selected candidate in question was genuine.

25. Learned counsel appearing on behalf of the petitioner in CWP-3034-2024 has argued that after the petitioner having qualified the written examination, the documents verification was done by HSSC and only thereafter the petitioner was offered an appointment letter on 07.10.2022. It is contended that a valid experience certificate dated 13.01.2020 was issued by his erstwhile employer and that he was being paid a salary of Rs.18,000/- per month in cash. It has been pointed out that when the respondents later sought further supporting documents, the same were duly provided by his erstwhile employer vide e-mail dated 15.02.2023 alongwith profits and loss accounts, cash receipts and an affidavit clarifying that EPF/ESI was not applicable due to small workforce. It is contended that the entire termination process is vitiated on account of violation of the principles of natural justice since the conclusion that the experience certificate was fake/bogus was arrived at without summoning or examining the employer and without association of the petitioner in the inquiry process. It is further argued that termination is not simpliciter but stigmatic, as it casts aspersion on the character of the petitioner by implying forgery. Hence, a full-fledged inquiry was essential before passing such an order. It is reiterated that the respondent authority failed to apply his mind to the material available on record and whether the absence of EPF/ESI contributions alone would render the experience certificate as



bogus or fake.

26. Learned counsel appearing on behalf of the petitioner in CWP-4253-2024, has also argued on the lines of the submissions made by the counsels for the other two terminated petitioners. Additionally, it has been pointed out that the report of the first Committee dated 16.02.2023 was wrongly taken into consideration. It is the further contention of the learned counsel that the report of the first Committee was disbelieved by the competent authority, as incomplete and it was in such circumstances that the Committee was re-constituted. However, the new Committee never visited the employer of the petitioner for any verification and relied upon the material/statement available with the first Committee which was not found in order by the competent authority and thus, it is clear that the impugned order has been passed in a mechanical manner. The learned counsel also contends that the petitioner was never associated with the inquiry process nor a copy of the inquiry report was supplied, despite objections. Reliance was laid upon the judgments of the Hon'ble of Supreme Court of India in '**Ratnesh Kumar Choudhary Vs. Indira Gandhi Institute of Medical Sciences, Patna Bihar, (2015) 15 SCC 151**' and '**Dr. Vijayakumaran C.P.V. Vs. Central University of Kerala & Ors, (2020) 12 SCC, 426**', to contend that since the impugned termination order is stigmatic/punitive, it is mandatory to conduct a regular departmental inquiry. Such regular departmental inquiry is required even in the case of a probationer, as it will effect future employment as well.

27. Learned Senior counsel appearing on behalf of the respondent-



corporation has drawn the attention of the Court to the inquiry reports and has argued that the same are based upon a detailed fact-finding inquiry which was undertaken to ascertain the veracity of the experience certificates of the three candidates. It is submitted that a bare perusal of the reports would clearly establish that Shri Anand Goyat was only a trainee while Shri Vikas Kumar was only doing supervisory work and thus did not have the requisite experience in marketing of agricultural products. Even in the case of Shri Dharambir, no record could be found regarding him having worked with the said private proprietorship concerned and despite grant of adequate opportunity, the candidates in question failed to provide the requisite proof regarding the genuineness of their work experience.

28. Learned Senior Counsel contends that due procedure was followed before passing of the termination order in so much so, that a show cause notice was issued detailing therein the specific findings of the Committee and opportunity to file reply was provided. The concerned petitioners were also provided with an opportunity of hearing before passing the termination order and therefore, the argument of the terminated petitioners regarding violation of principles of natural justice, is without any basis. It is submitted that to the contrary, the petitions of the terminated employees are not maintainable since the report of the Committee, which forms the basis of the order of termination, has not been assailed by them.

29. In response to the arguments that the services of the terminated petitioners could not have been dispensed with, without holding a departmental inquiry, the learned Senior counsel submits that the action of



termination relates to their eligibility and would be governed by the provisions of the advertisement as well as the clauses of the appointment letter regarding misrepresentation or genuineness of the experience certificate. The order impugned is not in pursuance to any act of omission or commission during the course of service, which would require holding of a departmental inquiry. The argument regarding the action of the authority being *mala fide*, is also repelled by contending that the veracity of the experience certificates of all three candidates was done uniformly and it is not a case that the selected S.C. candidate was singled out, to give any alleged benefit to the petitioner in CWP-2506-2023, as falsely alleged. With these submissions, it has been prayed that the petitions of the terminated petitioners be dismissed.

ANALYSIS AND CONCLUSION

30. We have heard learned counsel for the parties and have gone through the material available on record, with their able assistance.

31. As regards the argument raised by learned counsel in CWP-2506-2023 that the experience certificate was required to be mandatorily as per the format prescribed and annexed with the advertisement itself, in view of the conceded position of the respondent-corporation, that experience certificate from a private entity was also admissible, the said argument cannot be accepted. It is the employer alone who is competent to decide the requirements pertaining to eligibility of a candidate for a post. Once, the clause pertaining to eligibility conditions as contained in the



advertisement required one year of experience in marketing of agricultural products, then this Court cannot hold that such experience had to be from a government body alone.

32. The arguments of the learned counsel for the petitioners whose services have been terminated, regarding holding of a mandatory departmental inquiry are also without merit. Such departmental inquiry is not necessitated when the action of the respondent-authority is qua the veracity of the experience certificate of the selected candidates, which relates to their eligibility itself as per the criteria laid down under the selection process. The judgments relied upon by the learned counsel for the terminated petitioners in this regard, are clearly distinguishable and not applicable under the facts and circumstance involved in the present cases. It was clearly stipulated in clause 1.3(4) of the advertisement that: *“If on verification at any stage starting from submitting application form till appointment and any time even after appointment, it is found that any candidate does not fulfill any of the eligibility condition or it is found that the information furnished is false or incorrect, his/her candidature will be cancelled and he/she will also be liable to be criminally prosecuted. This is irrespective of whether the candidate was benefitted by furnishing the false or incorrect information in his/her application.”*

33. Even in the appointment letters of the terminated petitioners, it was *inter alia* stipulated that;

“7. In case any information furnished by you in connection with the appointment is found incorrect or correct information is found to be suppressed at any stage you will be liable to removed from the services at any time without any



CWP-2506-2023 (O&M) and other connected cases
notice.

-18-

10 (d) If certificates submitted by you are found fake at any stage, your services will be terminated without any notice and criminal case will be registered against you.

34. Therefore, once the genuineness of the experience certificates of the terminated petitioners, came under question, the respondent-corporation was well within its rights to examine the said allegations by constituting a fact-finding Committee and take action in pursuance thereto.

35. Having observed as above and despite being conscious that this Court is not sitting in appeal over the findings of the fact-finding Committee, yet, the Court is equally conscious of the cardinal principle of law that justice should not merely be done, but should appear to have been done. Therefore, keeping in view the peculiar facts and circumstances involved, especially since the terminated petitioners have alleged lack of grant of fair opportunity, having not been supplied the report of the Committee, this Court is of the view that a post decisional hearing be given to the terminated petitioners and the orders of termination can be kept subject to such fresh order(s), to be passed by the competent authority. Opportunity of hearing be also provided to the petitioner in CWP-2506-2023, who would be at liberty to make submissions regarding the genuineness of the experience certificates in question.

36. In that view of the matter, I dispose of these writ petitions with a direction upon the competent authority of respondent-corporation to consider and decided the matter afresh after affording opportunity of hearing to the petitioners within a period of three weeks from the date of presentation of copy of this order. The termination orders under challenge shall abide by the order(s) to be passed by the respondent-authority. This



order has been passed in the peculiar facts and circumstances involved and shall not be treated as laying down any binding precedent.

37. All pending miscellaneous application(s), if any, also stand(s) disposed of.

(ROHIT KAPOOR)
JUDGE

04.09.2025

smriti

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No