



106

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

**CWP-5962-2025 (O&M)  
Date of decision: 22.09.2025**

**Kuldeep Singh**

**... Petitioner**

**Vs.**

**State of Haryana and others**

**... Respondents**

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: None for the petitioner.

Mr. Vikrant Pamboo, Addl. AG, Haryana.

Mr. Nishant Rana, Advocate for  
Ms. Rajni Gupta, Advocate  
for respondents No.2 to 5.

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**HARPREET SINGH BRAR, J.**

1. Present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* seeking quashing of show cause notice dated 25.07.2023 (Annexure P-5) and the order of dismissal dated 20.09.2023 (Annexure P-1) passed by respondent No.3 and further to issue a writ in the nature of *mandamus* directing the respondents that the petitioner be deemed to be in service and to grant all the consequential benefits.



2. The case has been called twice since morning. Despite that, no one has put in appearance on behalf of the petitioner. As such, this Court is left with no other alternative except to decide the case on its own merits on the basis of pleadings.

3. It is pleaded in the petition that the petitioner was offered appointment on the post of Assistant Lineman vide appointment letter dated 23.10.2012 (Annexure P-2) and he joined the services on 26.10.2012 and supplied all the original certificates of educational qualification and ITI certificate (Annexure P-3). The petitioner was further promoted to the post of Lineman. After serving the respondent-Corporation, on 03.07.2023, in order to re-verify the certificates, a Committee consisting of officials of respondent-Corporation was constituted, which, by visiting the office of Nodal Officer, ITI, Bulandsahar, obtained a report that no certificate with Roll No.01819023 was issued in the name of the petitioner as per records. On the basis of said report, without issuing charge sheet and holding the departmental inquiry, in hurried and arbitrary manner, the petitioner was issued show cause notice dated 25.07.2023 (Annexure P-5) under the Punishment and Appeal Regulations, 2019 to explain as to why his services be not dispensed with on account of non-fulfillment of essential qualification certificates and also for submitting forged certificates. Further, respondent No.4 directed respondent No.5 not to assign any work to him and since then, he had not been paid any salary.

4. It is further pleaded that in the letter dated 31.07.2023 (Annexure

2025:PHHC:131282



P-7) issued by State Council of Vocational Training, Lucknow (UP), it is clearly indicated that 'due to difference in institute and roll number, verification work is not possible'. As such, verification of ITI certificate (Annexure P-3) was not done in a proper manner. Further, the petitioner submitted a reply to show cause notice (Annexure P-5) and without considering the same and following the procedure as laid down in the Punishment and Appeal Regulations, 2019, major penalty of dismissal from service was imposed vide impugned order dated 20.09.2023 (Annexure P-1), which is illegal and arbitrary.

5. Learned counsel for contesting respondents No.2 to 5 submits that the petitioner, at the time of his joining the respondent-Corporation, submitted the forged and fabricated documents and upon verification from the Nodal Principal, State Industrial Training Institute, Bulandsahar (UP), the same was found bogus/fake, as discernible from the impugned order dated 20.09.2023 (Annexure P-1). It is proved on record that the petitioner obtained appointment on the post of Assistant Lineman by submitting fake documents. As such, the present petition deserves to be dismissed.

6. I have heard learned counsel for respondents No.2 to 5 and perused the record of the case with his able assistance.

7. At this juncture, it would be profitable to refer to the legal maxims- *nullus commodum capere potest de injuria sua propria*, which can be translated to - no man can take advantage of his own wrong, and *sublato*



*fundamento cadit opus*, which translates to - when the foundation is removed, the structure falls. Obtaining an appointment or approval on the basis of forged documents amounts to misrepresentation. This Court is of the considered opinion that an appointment secured by an employee by way of fraudulent means renders such recruitment *void ab initio* and therefore, such appointment would not confer any legal rights or entitlements on the petitioner. Distinctly, settled law forbids such employee from claiming any subsequent benefits that arise by virtue of employment, as no equity or estoppel would operate in his favour. Further, a three-Judge Bench of the Hon'ble Supreme Court in ***Jainendra Singh Vs. State of U.P. Tr. Prinl. Sec. Home, (2012) 8 SCC 748***, has categorically held that no estoppel would operate in favour of those who acquired employment by defrauding the employer. Speaking through Justice Fakkir Mohamed Ibrahim Kalifulla, the following was held:

*“31. As noted by us, all the above decisions were rendered by a Division Bench of this Court consisting of two-Judges and having bestowed our serious consideration to the issue, we consider that while dealing with such an issue, the Court will have to bear in mind the various cardinal principles before granting any relief to the aggrieved party, namely:*

*(i) **Fraudulently obtained orders of appointment could be legitimately treated as voidable at the option of the employer or could be recalled by the employer and in such cases merely because the respondent employee has continued in service for a number of years, on the basis of such fraudulently obtained***

2025:PHHC:131282



**employment, cannot get any equity in his favour or any estoppel against the employer.**

(ii) Verification of the character and antecedents is one of the important criteria to test whether the selected candidate is suitable to the post under the State and on account of his antecedents the appointing authority if find not desirable to appoint a person to a disciplined force can it be said to be unwarranted.

**(iii) When appointment was procured by a person on the basis of forged documents, it would amount to misrepresentation and fraud on the employer and, therefore, it would create no equity in his favour or any estoppel against the employer while resorting to termination without holding any inquiry.**

(iv) A candidate having suppressed material information and/or giving false information cannot claim right to continue in service and the employer, having regard to the nature of employment as well as other aspects, has the discretion to terminate his services. Purpose of calling for information regarding involvement in any criminal case or detention or conviction is for the purpose of verification of the character/antecedents at the time of recruitment and suppression of such material information will have clear bearing on the character and antecedents of the candidate in relation to his continuity in service.

**(vi) The person who suppressed the material information and/or gives false information cannot claim any right for appointment or continuity in service.”**



8. Further, a two-Judge Bench of the Hon'ble Supreme Court in ***Ram Chandra Singh Vs. Savitri Devi, (2003) 8 SCC 319***, speaking through Justice S.B Sinha, made the following observation: -

**15. Commission of fraud on court and suppression of material facts are the core issues involved in these matters. Fraud as is well known vitiates every solemn act. Fraud and justice never dwell together.**

*16. Fraud is a conduct either by letter or words, which induces the other person or authority to take a definite determinative stand as a response to the conduct of the former either by word or letter.*

*17. It is also well settled that misrepresentation itself amounts to fraud. Indeed, innocent misrepresentation may also give reason to claim relief against fraud.*

**18. A fraudulent misrepresentation is called deceit and consists in leading a man into damage by wilfully or recklessly causing him to believe and act on falsehood. It is a fraud in law if a party makes representations which he knows to be false, and injury ensues therefrom although the motive from which the representations proceeded may not have been bad.**

*19. In **Derry v. Peek**, (1889)14 AC 337 : (1886-90) All ER Rep 1 : 58 LJ Ch 864 : 61 LT 265 (HL). it was held:*

*"In an `action of deceit the plaintiff must prove actual fraud. Fraud is proved when it is shown that a false representation has been made knowingly, or without belief in its truth, or recklessly, without caring whether it be true or false.*

*A false statement, made through carelessness and without reasonable ground for believing it to be true, may be evidence of fraud but does not necessarily amount to fraud. Such a statement, if made in the honest belief that it is true, is*

2025:PHHC:131282



*not fraudulent and does not render the person making it liable to an action of deceit.*

20. In *Kerr on Fraud and Mistake*, at p. 23, it is stated:

*"The true and only sound principle to be derived from the cases represented by **Slim v. Croucher**, (1860)1 De GF & J 518 : 29 LJ Ch 273 : 2 LT 103 : 45 ER 462. is this: that a representation is fraudulent not only when the person making it knows it to be false, but also when, as Jessel, M.R., pointed out, he ought to have known, or must be taken to have known, that it was false. This is a sound and intelligible principle, and is, moreover, not inconsistent with **Derry v. Peek**, (1889)14 AC 337 : (1886-90) All ER Rep 1 : 58 LJ Ch 864 : 61 LT 265 (HL).. A false statement which a person ought to have known was false, and which he must therefore be taken to have known was false, cannot be said to be honestly believed in. 'A consideration of the grounds of belief', said Lord Herschell, 'is no doubt an important aid in ascertaining whether the belief was really entertained. A man's mere assertion that he believed the statement he made to be true is not accepted as conclusive proof that he did so.'"*

21. In *Bigelow on Fraudulent Conveyances*, at p. 1, it is stated:

*"If on the facts the average man would have intended wrong, that is enough."*

22. It was further opined:

*"This conception of fraud (and since it is not the writer's, he may speak of it without diffidence), steadily kept in view, will render the administration of the law less difficult, or rather will make its administration more effective. Further, not to enlarge upon the last matter, it will do away with much of the prevalent confusion in regard to 'moral' fraud,*

2025:PHHC:131282



*a confusion which, in addition to other things, often causes lawyers to take refuge behind such convenient and indeed useful but often obscure language as 'fraud upon the law'. What is fraud upon the law? Fraud can be committed only against a being capable of rights, and 'fraud upon the law' darkens counsel. What is really aimed at in most cases by this obscure contrast between moral fraud and fraud upon the law, is a contrast between fraud in the individual's intention to commit the wrong and fraud as seen in the obvious tendency of the act in question."*

23. Recently this Court by an order dated 3-9-2003 in **Ram Preeti Yadav v. U.P. Board of High School & Intermediate Education, (2003)8 SCC 311 : JT 2003 Supp (1) SC 25**. held:

*"Fraud is a conduct either by letter or words, which induces the other person or authority to take a definite determinative stand as a response to the conduct of the former either by words or letter. Although negligence is not fraud but it can be evidence on fraud. (See Derry v. Peek, (1889)14 AC 337:.)*

*In **Lazarus Estates Ltd. v. Beasley, (1956)1 All ER 341**: the Court of Appeal stated the law thus:*

*'I cannot accede to this argument for a moment. No court in this land will allow a person to keep an advantage which he has obtained by fraud. No judgment of a court, no order of a minister, can be allowed to stand if it has been obtained by fraud. Fraud unravels everything. The court is careful not to find fraud unless it is distinctly pleaded and proved; but once it is proved it vitiates judgments, contracts and all transactions whatsoever;"*

*In **S.P. Chengalvaraya Naidu v. Jagannath, (1994)1 SCC 1** this Court stated that fraud avoids all judicial acts, ecclesiastical or temporal."*



**24. An act of fraud on court is always viewed seriously. A collusion or conspiracy with a view to deprive the rights of the others in relation to a property would render the transaction void ab initio. Fraud and deception are synonymous.”**

(emphasis added)

9. Moreover, a three-Judge Bench of the Hon’ble Apex Court in ***R. Vishwanatha Pillai Vs. State of Kerala, (2004) 2 SCC 105*** while speaking through Justice Ashok Bhan, made the following observation: -

*“17. The point was again examined by a Full Bench of the Patna High Court in Rita Mishra v. Director, Primary Education, Bihar [AIR 1988 Pat 26 : 1988 Lab IC 907 : 1987 BBCJ 701 (FB)] . The question posed before the Full Bench was whether a public servant was entitled to payment of salary to him for the work done despite the fact that his letter of appointment was forged, fraudulent or illegal. The Full Bench held: (AIR p. 32, para 13)*

*“13. It is manifest from the above that the rights to salary, pension and other service benefits are entirely statutory in nature in public service. **Therefore, these rights, including the right to salary, spring from a valid and legal appointment to the post. Once it is found that the very appointment is illegal and is non est in the eye of the law, no statutory entitlement for salary or consequential rights of pension and other monetary benefits can arise. In particular, if the very appointment is rested on forgery, no statutory right can flow from it.**”*

*18. We agree with the view taken by the Patna High Court in the aforesaid cases.”*

(emphasis added)



10. Additionally, a two-Judge Bench of the Hon'ble Supreme Court in ***Vijay Kishanrao Kurundkar and another Vs. State of Maharashtra and Others, 2020 SCC Online 834***, made the following observation: -

*“12. The decision in Punjab National Bank must be read in light of these observations by the three-Judge Bench of this Court in Food Corporation of India. **It is trite law that an appointment secured on the basis of a fraudulent certificate is void ab initio.** It is not open to the government to circumvent the existing statutory mandate by indefinitely protecting the deceitful activities of such candidates through the use of circulars or resolutions.”*

(emphasis added)

11. In view of the above discussion and the ratio of law laid down by the Hon'ble Supreme Court in the cases referred to above, this Court does not find any ground to exercise the extraordinary writ jurisdiction under Article 226 of the Constitution of India. Accordingly, the present petition stands dismissed.

12. Pending miscellaneous application(s), if any, shall be disposed of.

[ HARPREET SINGH BRAR ]  
JUDGE

22.09.2025  
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No