

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

CWP-22525-2025
Date of decision: 21.08.2025

Narayan Singh

....Petitioner

Versus

Dakshin Haryana Bijli Vitran Nigam Ltd and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Abhinav Sood, Advocate,
Mr. Achintya Soni, Advocate and
Mr. Sayyam Garg, Advocate
for the petitioner.

Mr. Sandeep Kashyap, Advocate for
Mr. Vikrant Pamboo, Additional A.G., Haryana
for the respondents.

HARPREET SINGH BRAR, J. (ORAL)

1. The 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* for quashing of the impugned order dated 19.06.2024 (Annexure P-13) passed by respondent No.3-the Superintending Engineer vide which the petitioner has been dismissed from service as a Lineman with respondent-DHBVNL at Hassanpur and the order dated 01.10.2024 (Annexure P-16) whereby the appeal of the petitioner against the same was dismissed by respondent No.2-the Chief Engineer.

2. Briefly, the facts of the case are that the petitioner was admitted to the State Industrial Training Institute, Bulandshahr, Uttar Pradesh (hereinafter 'ITI') on 20.08.2008, as reflected by the admission register (Annexure P-1). In the month of July, 2010, he cleared final exams and was issued certificate



(Annexure P-2). In the year 2011, the petitioner applied to the post of Assistant Line Man floated by Haryana Staff Selection Commission through advertisement No.1/2011. He was duly selected and a letter of appointment dated 26.10.2012 (Annexure P-3) was issued to him. Subsequently, on 07.10.2020, the petitioner was promoted to the post of Line Man.

3. However, in the year 2023, the marksheet of the petitioner were sent for verification to the ITI by respondent No.4-XEN(OP) Division. The Principal, ITI, vide letter dated 27.06.2023 (Annexure P-5) confirmed the veracity of the marksheet. The respondent-Department was not satisfied with the same and the Secretary, State Council for Vocational Training was requested to verify it again. A report dated 31.07.2023 (Annexure P-6) was submitted wherein it was stated that verification was not possible, however, later, vide letter dated 02.02.2024 (Annexure P-7) it was stated that the verification stands completed by the Assistant Director, State Industrial Training Council. Ultimately, a two-member committee was formed vide order No.26 dated 12.03.2024 and the petitioner's certificate was found to be "not entered in the records." A show cause notice dated 10.04.2024 was issued to the petitioner and consequently, the vide impugned order dated 19.06.2024 (Annexure P-13), his services were dispensed with.

4. Learned counsel for the petitioner *inter alia* contends that the petitioner has been erroneously dismissed from service for submitting a fake technical education certificate. The marksheet of the petitioner was duly verified vide report dated 27.06.2023 (Annexure P-5) and 02.02.2024 (Annexure P-7) and yet the respondents arbitrarily inquired into the matter again, tainting it with *mala fide*. He further submits that the petitioner was dismissed from service in without joining him in the verification process, which



is contravention of Rule 7 of the Dakshin Haryana Bijli Vitran Nigam Employees (Punishment and Appeal Regulations, 2019 (hereinafter ‘the Regulations’). Since a prescribed procedure exists in this regard, the veracity of the education qualifications of the petitioner should have been examined by the disciplinary authorities in strict compliance thereof. Reliance in this regard is placed on *Dharani Sugars and Chemicals Ltd. vs. Union of India and others (2019) 5 SCC 480*. Learned counsel further submits that the procedural safeguards in the Regulations are in consonance with the Article 21 of the Constitution of India and exist to ensure fairness in the disciplinary proceedings. Relying upon *Mrs. Maneka Gandhi vs. Union of India and Another (1978) 1 SCC 248*, he submits that the procedure adopted by the respondents is not fair, just or reasonable, and therefore, is in direct violation Article 21 of the Constitution of India. Reliance in this regard is placed on the judgments rendered by Coordinate benches of this Court in *Kulbir Singh vs. The Punjab State Power Corporation Limited, Patiala and others CWP No.15976 of 2013 decided on 25.10.2016*, *Sukhdev Singh vs. Shiromani Gurdwara Parbandhak Committee CWP No.17784 of 2015 decided on 18.10.2016* and *Rajwant Kaur vs. State of Punjab and others CWP No.3728 of 2012 decided on 22.07.2013*. Learned counsel also apprises this Court that two similarly situated employees have also approached this Court for a similar relief vide writ petitions bearing nos. CWP No.15468 of 2024, CWP No.32140 of 2024 and CWP No.11227 of 2025, which are currently pending consideration.

5. *Per contra*, learned counsel for the respondents submits that the petitioner had approached this Court earlier by filing CWP No.17574 of 2024 wherein identical arguments were raised. However, the said writ petition was withdrawn with the liberty to file statutory appeal, as such, the present petition



is not maintainable in view of the principle of *res judicata*. Further, the petitioner has not approached this Court with clean hands as one FIR No.0225 dated 27.07.2025 has been registered against the petitioner under Sections 420/467/468/471 at Police Station Hodal for submitting fake and fabricated certificates.

6. Having heard learned counsel for the parties at length and after a careful perusal of record of the case with their able assistance, it transpires that the petitioner ought to have the requisite technical qualification to be recruited by the respondent-Department. The matter pertaining to the fabricated nature of his marksheet did not come to light till after 12 years of his service. However, the delay cannot be used by the petitioner to claim condonation of the fraud committed by him.

7. It is pertinent to note that the initial inquiry with respect to the veracity of the educational qualifications of the petitioner was made through post. However, subsequently, a committee was formed which discovered that the ITI certificate issued against Roll No.01811032 (Trade Engineer) did not find any mention in the records. Moreover, a show cause notice dated 10.04.2024 (Annexure P-8) was issued to the petitioner to explain the discrepancy. The explanation put forth by the petitioner was found to be unconvincing and therefore, his services were eventually terminated. A two-Judge bench of the Hon'ble Supreme Court in ***Ram Chandra Singh vs. Savitri Devi and others (2003) 8 SCC 319***, speaking through Justice S.B.Sinha, the following was opined:

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 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, 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)

8. 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. The very recruitment of the petitioner is based on fraud and as such, he cannot claim any subsequent benefits that arise by virtue of employment. Learned counsel for the petitioner has argued that the drill of Clause 7 of the Regulations was not followed, however, these Regulations refer to the procedure that ought to be adopted in the event of any misconduct during service. Since the petitioner obtained employment on the basis of a forged and fabricated

certificate/marksheet, he cannot take shelter of the prescribed procedure to escape accountability as fraud vitiates all. Reliance in this regard can be placed upon the judgment rendered by the Hon'ble Supreme Court in ***Union of India vs. Prohlad Guha 2024 AIR SC 3588***.

9. 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 estoppels 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 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.

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xxx

xxx”

10. In view of the discussion above, this Court does not find any merit in the arguments raised by learned counsel for the petitioner as the petitioner obtained employment with the respondent-Department by indulging in fraud and deceit. Accordingly, the present petition is dismissed.

(HARPREET SINGH BRAR)
JUDGE

21.08.2025

Neha

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No