



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

115

CWP- 24214-2025
DECIDED ON:28.08.2025

VINAY

...PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. R.S. Dhull, Advocate
for the petitioner

SANDEEP MOUDGIL, J

1. Prayer

Civil Writ Petition under Articles 226/227 of the Constitution of India seeking issuance writ in the nature of certiorari quashing the impugned letter dated 07.05.2025 (Annexure P-5) by which the services of the petitioner has been terminated and further a direction to the Respondents to take the petitioner back in service as Lab Technician as per his merit.

2. Brief Facts

The petitioner applied for the post of Lab Technician pursuant to Advertisement No. 15/2019 issued by the Haryana Staff Selection Commission. He submitted his application under the BC-B category and claimed 5 additional marks under the socio-economic criteria on the ground that no member of his family was or had been a regular employee in any Government department. The petitioner was declared successful and issued an appointment letter dated 27.02.2023. Subsequently, the petitioner's selection was challenged in CWP No. 9454 of 2023, alleging that he had wrongly

claimed socio-economic marks by concealing that his biological father was a government employee. In response, the authorities issued a show-cause notice, afforded the petitioner a personal hearing on 04.04.2025, and thereafter terminated his services by passing a speaking order dated 07.05.2025. On the same day, the petitioner was relieved from duty.

The petitioner claims that he was adopted by his maternal grandfather in the year 2009 and, therefore, had severed all ties with his biological father and that the marks were obtained in a bonafide belief and without any intention to misrepresent relying on an unregistered adoption deed (Godnama), a verification letter from the Gram Panchayat, and a Family ID reflecting his maternal grandfather's name in support of his claim.

Aggrieved by the termination order, the petitioner has approached this Court seeking quashing of the impugned order and for a direction to be reinstated in service with continuity and all consequential benefits.

3. Contentions

On behalf of Petitioner

Learned counsel for the petitioner contends that the termination order dated 07.05.2025 is arbitrary, illegal, and deserves to be quashed. It is submitted that the petitioner was adopted by his maternal grandfather in the year 2009, after which he ceased to have any legal or familial relationship with his biological father, who was a government employee. Consequently, the claim for 5 marks under the socio-economic criteria was made in a bonafide belief, and there was no intentional concealment or misrepresentation. The petitioner relies on the unregistered adoption deed (Godnama) and a verification letter from the Gram Panchayat, as well as the Family ID, which records his maternal grandfather as head of the family. He submits that the adoption was effective from his minority and has been

socially and practically accepted. Further, the petitioner places reliance on the judgment of this Court in **CWP No. 16904 of 2021 Neeraj v. State of Haryana**, decided on 22.05.2025, wherein the socio-economic criteria notification dated 11.06.2019 was declared unconstitutional. The petitioner submits that since the entire criteria have now been quashed, the basis of his termination no longer survives. He argues that he is otherwise meritorious, and the deletion of the 5 marks would not have materially altered his position in the selection.

4. Analysis

Upon considering the material on record, this Court finds no infirmity in the impugned termination order dated 07.05.2025(AnnexureP-5) passed by Director General Health Services. The admitted position is that the petitioner, while applying under Advertisement No. 15/2019, claimed 5 additional marks under the socio-economic criteria by declaring that no member of his family, including his father, was or had been a government employee. However, it is not in dispute that the petitioner's biological father was a retired army personnel. Therefore he has tried to wrongfully gain benefit by misleading the authorities.

This court is of the considered opinion that the petitioner's attempt to justify the claim on the basis of an alleged adoption by his maternal grandfather lacks legal foundation. The alleged adoption deed (Godnama) is unregistered, unsupported by any court declaration, and cannot be considered a valid legal severance of ties from the biological father under the Hindu Adoption and Maintenance Act, 1956. It is settled law that unless an adoption is legally recognized, the biological relationship continues to exist in the eyes of law.

Moreover the recruitment notification was clear and unambiguous in defining eligibility for socio-economic marks. The petitioner was required to truthfully disclose the government employment status of his father, which he deliberately failed to do. This omission amounts to material concealment, directly affecting his selection. It is well-settled that employment obtained through suppression of material facts or misrepresentation is not entitled to protection under Article 226 of the Constitution. The petitioner cannot take refuge of the judgment passed in Neeraj’s case *supra* , as the directions issued therein pertain to revision of merit and protection of valid appointments. The said judgment does not extend protection to appointments obtained by misrepresentation or concealment.

This Court finds no procedural irregularity or violation of natural justice in the termination process. The petitioner was issued a show-cause notice, afforded an opportunity of hearing, and the speaking order passed by the competent authority sets out clear reasons for termination. The grounds raised in the present petition are nothing but an afterthought and do not inspire confidence.

5. Conclusion

Accordingly, the present writ petition is **dismissed**.

28.08.2025
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(SANDEEP MOUDGIL)
JUDGE

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