GAHC020007392025 2026:GAU-NL:570-DB

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

Case No. : WA/33/2025

SMT. KHEGHOLI ZHIMOMI
D/O KUHOVI ZHIMOMI, R/O H.NO. 586, BLOCK-6, CHEKIYE VILLAGE, CHUMOUKEDIMA, NAGALAND

VERSUS

STATE OF NAGALAND AND 7 ORS
REPRESENTED BY THE CHIEF SECRETARY, GOVT. OF NAGALAND, KOHIMA NAGALAND

2:THE COMMISSIONARY AND SECRETARY
GOVT. OF NAGALAND
DEPT. OF SCHOOL EDUCATION
KOHIMA NAGALAND.

3:THE PRINCIPAL DIRECTOR
DIRECTOR 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
PRATAB NAGAR
UDAIPUR
RAJASTHAN-313003

8:THE CONTROLLER OF EXAMINATION
JANARDAN RAI NAGAR RAJASTHAN
VIDYAPEETH UNIVERSITY
PRATAB NAGAR
UDAIPUR
RAJASTHAN-31300

Advocate for the Petitioner : A. ZHIMOMI, ESTHER,LHOUSINO,G KAMEI,VITO K SHOHE

Advocate for the Respondent : GOVT ADV NL,

Linked Case : WA/34/2025

TOHULI V CHOPHI
D/O VINITO CHOPHI

R/O H.NO.294

PURANA BAZAR

DIMAPUR
NAGALAND

VERSUS

STATE OF NAGALAND AND 7 ORS
REPRESENTED BY THE CHIEF SECRETARY

GOVERNMENT OF NAGALAND

KOHIMA
NAGALAND

2:THE COMMISSIONER AND SECRETARY

GOVERNMENT OF NAGALAND

DEPARTMENT OF SCHOOL EDUCATION

KOHIMA
NAGALAND

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JANARDAN RAI NAGAR RAJASTHAN

VIDYAPEETH UNIVERSITY

PRATAP NAGAR

UDAIPUR
RAJASTHAN

PIN CODE 313003

8:THE CONTROLLER OF EXAMINATION

JANARDAN RAI NAGAR RAJASTHAN

VIDYAPEETH UNIVERSITY

PRATAP NAGAR

UDAIPUR
RAJASTHAN

PIN CODE-313003

Advocate for : A. ZHIMOMI
Advocate for : GOVT ADV NL appearing for STATE OF NAGALAND AND 7 ORS

Linked Case : WA/14/2026

SHRI. S. ABENITO AWOMI
S/O SHETOVI AWOMI
R/O HOUSE NO. 658
MOUNT VIEW COLONY
DIMAPUR
NAGALAND.

VERSUS

THE STATE OF NAGALAND AND 7 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND
KOHIMA
NAGALAND.

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

3:THE PRINCIPAL DIRECTOR
DIRECTOR OF SCHOOL EDUCATION
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NAGALAND
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NAGALAND

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DIMAPUR
NAGALAND

7:THE REGISTRAR
NAGALAND UNIVERSITY HEADQUARTERS
LUMAMI CAMPUS
ZUNHEBOTO
NAGALAND - 798627

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

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

Linked Case : WA/36/2025

SMT. V. HEKALI CHOPHY

D/O VIKIYE CHOPHY

R/O H.NO.312

PURANA BAZAR

DIMAPUR
NAGALAND

VERSUS

STATE OF NAGALAND AND 7 ORS
REPRESENTED BY THE CHIEF SECRETARY

GOVERNMENT OF NAGALAND

KOHIMA
NAGALAND

2:THE COMMISSIONER AND SECRETARY
GOVERNMENT OF NAGALAND

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JANARDAN RAI NAGAR RAJASTHAN

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PRATAP NAGAR

UDAIPUR
RAJASTHAN

PIN CODE 313003

8:THE CONTROLLER OF EXAMINATION

JANARDAN RAI NAGAR RAJASTHAN

VIDYAPEETH UNIVERSITY

PRATAP NAGAR

UDAIPUR
RAJASTHAN

PIN CODE 313003

Advocate for : A. ZHIMOMI
Advocate for : GOVT ADV NL appearing for STATE OF NAGALAND AND 7 ORS

Linked Case : WA/37/2025

SHRI K. HUKATO ZHIMOMI
S/O KUHOVI ZHIMOMI

R/O H.NO. 52
IKISHE VILLAGE

CHUMOUKEDIMA
NAGALAND

VERSUS

STATE OF NAGALAND AND 7 ORS
REPRESENTED BY THE CHIEF SECRETARY

GOVERNMENT OF NAGALAND

KOHIMA
NAGALAND

2:THE COMMISSIONER AND SECRETARY

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JANARDAN RAI NAGAR RAJASTHAN

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PRATAP NAGAR

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8:THE CONTROLLER OF EXAMINATION

JANARDAN RAI NAGAR RAJASTHAN

VIDYAPEETH UNIVERSITY

PRATAP NAGAR

UDAIPUR

RAJASTHAN

PIN CODE 313003

Advocate for : A. ZHIMOMI
Advocate for : GOVT ADV NL appearing for STATE OF NAGALAND AND 7 ORS

Linked Case : WA/35/2025

SHRI KHEVISHE ZHIMOMI
S/O KIYAHE ZHIMOMI

R/O HOUSE NO-185
ERALIBILL VILLAGE

DIMAPUR
NAGALAND

VERSUS

STATE OF NAGALAND AND 7 ORS
REPRESENTED BY THE CHIEF SECRETARY

GOVERNMENT OF NAGALAND

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NAGALAND

2:THE COMMISSIONER AND SECRETARY

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PIN CODE 313003

8:THE CONTROLLER OF EXAMINATION

JANARDAN RAI NAGAR RAJASTHAN
VIDYAPEETH UNIVERSITY
PRATAP NAGAR
UDAIPUR
RAJASTHAN

PIN CODE 313003

Advocate for : A. ZHIMOMI
Advocate for : GOVT ADV NL appearing for STATE OF NAGALAND AND 7 ORS

Linked Case : WA/38/2025

SMT. SHIKHELI ZHIMOMI
D/O KUHOVI ZHIMOMI
R/O H.NO.574(A)
BLOCK-6
CHEKIYE VILLAGE
CHUMOUKEDIMA
NAGALAND

VERSUS

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

2:THE COMMISSIONER AND SECRETARY
GOVERNMENT OF NAGALAND
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PRATAP NAGAR
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RAJASTHAN

PIN CODE 313003

Advocate for : A. ZHIMOMI
Advocate for : GOVT ADV NL appearing for STATE OF NAGALAND AND 7 ORS

BEFORE
HON'BLE MRS. JUSTICE YARENJUNGLA LONGKUMER
HONBLE MR JUSTICE NCHUMBEMO MOZHUI

JUDGMENT

Date : 27-10-2026

Advocate for the Petitioner : Mr. A. Zhimomi
Ms. Esther Khing
Ms. Lhousino

Advocate for the Respondents : Mr. N. Angami, Sr.Govt. Advocate

Date on which judgment is reserved : 14.10.2026

Date of pronouncement of judgment : 27.10.2026

Whether the pronouncement is of the Operative part of the judgment ? : No

Whether full judgment has been pronounced ? : Yes

JUDGMENT & ORDER (CAV)

(Y.Longkumer,J)

By filing the instant intra-Court appeals, the appellants have assailed the common judgment and order dated 09.09.2025 passed in WP(C) 251/2022,WP(C)259/2022,WP(C) 262/2022, WP(C) 114/2022, WP(C) 253/2022, WP(C) 252/2022, WP(C) 254/2022, WP(C) 263/2022, WP(C) 265/2022, WP(C) 255/2022, WP(C) 260/2022, WP(C) 261/2022 & WP(C) 264/2022.

2. Heard the learned counsel for the petitioners Mr. A. Zhimomi. Also heard Mr. N. Angami, learned Sr. Government Advocate appearing for the State respondents.

3. The facts leading to the filing of the instant writ appeals is that the appellants were appointed as Primary teachers and Graduate teachers on ad-hoc basis by various orders over a period of time ranging from 2002 to 2006. Thereafter, an advertisement was published on 09.12.2011 by the Directorate of School Education, Government of Nagaland, for filling up the posts of Primary teachers and Graduate teachers. The petitioners applied for appointment to the said posts. Upon clearing the examination conducted by the authorities, and on the recommendation of the interview board, the petitioners were appointed as Primary teachers/Graduate teachers. Some of the petitioners/appellants who were serving on ad-hoc basis prior to the interview, and who had rendered three years of continuous service as on 30.11.2010, were also regularized with the condition that untrained teachers should obtain their requisite professional qualification within 2 to 5 years, and that failure to comply with this condition will lead to termination of service.

4. By an Office Memorandum No. DSE/EST/STUDY-LEAVE/1/47/2014 (pt) dated 26.06.2016, instructions were issued by the Department of School Education laying down guidelines for training of the untrained teachers under the school education department. The Office Memorandum states that those who do not obtain the professional qualification will not be eligible for promotion or increments. A number of UGC-recognized universities set up their extension centres in the State for awarding professional qualifications like B.Ed. and D.El.Ed. The petitioners thereafter enrolled for the professional courses in various extension centres of the UGC-recognized universities in Dimapur and Kohima. They also obtained certificates of completion from the said Universities.

5. Subsequently, while the petitioners were still continuing in service, they received show cause notices stating that fake degree/diploma certificates were submitted by them. The show cause notice was followed by the issuance of a Memorandum under Rule 9(2) of the Nagaland Services (Discipline and Appeal) Rules, 1967 (hereinafter referred to as the Rules of 1967), which was replied to by the petitioners. The Directorate of School Education, Nagaland, constituted a board of inquiry to inquire into the charges framed against the petitioners.

6. The petitioners/appellants stated that they were summoned by the Inquiry Board on 01.04.2022. On presenting themselves at the Directorate of School Education on the appointed date, the appellants were taken into a room in the Directorate and furnished questionnaires by the Board of Inquiry. Apart from filling up the questionnaires, no other proceedings took place. There was no presenting officer, and the appellants did not have the assistance of a defense counsel. The Board of Inquiry collected

the questionnaires from the appellants, and no further proceedings were held by the Board of Inquiry. However, the Board of Inquiry submitted similar reports against all the appellants, holding that the charge framed against the appellants was proved beyond doubt. Thereafter, the appellants were furnished with a copy of the Inquiry Report. Basing on the Inquiry Report, the appellants were removed from service by separate orders dated 08.06.2022.

The contentions of the petitioners before the learned Single Judge:-

7. The entry of the appellant into service and the acquisition of professional qualifications are two different aspects. It was admitted by the State respondents themselves that there are 11,982 untrained teachers serving under the Directorate of School Education whereas there is a lack of educational institutions in the State imparting professional qualifications like B.Ed and D.El.Ed. and therefore, there was a need for allowing untrained teachers to enroll for professional courses through distance education without obtaining any study leave.

8. It was contended that the appellants denied the charges framed against them and therefore, merely on the basis of the articles of charge, the Board of Inquiry could not have come to a finding that the charge framed had been proved beyond doubt. The charge framed against the appellants had to be proved, and the documents relied upon in the inquiry also had to be proved. The Rules of 1967 do not contemplate the conduct and conclusion of inquiry proceedings and findings of guilt merely on the basis of the Memorandum of charge and the written statement of defense, specially when the charges framed has been denied. The Board of Inquiry

acted both as a Judge and Prosecutor, and therefore the finding of proof beyond doubt is perverse and untenable in law.

9. It was contended that the appellants were all eligible to hold the post of Primary teachers/Graduate teachers. However, at the time of their regularization/regular appointment, they were given a condition that they would complete the B.Ed/P.S.T.E. course within 2 to 5 years. It was also stated that obtaining of professional certificates from the concerned universities was unintentional, as the appellants considered those universities to be recognized universities, and the allegation of fake documents is misconceived, as the documents obtained through such universities could not be termed as fake documents.

10. It was contended that the appellants had also filed statutory appeals before the appellate authority, but the order of dismissal was confirmed by the appellate authority.

11. The State respondents filed their affidavit, before the learned single judge stating that the professional certificates submitted by the appellants were fake. It was stated that letters were received from the concerned universities regarding the certificates submitted by the appellants, holding them to be 'not genuine', and therefore action was initiated against the appellants under the Rules of 1967.

12. It was contended by the State respondents that the appellants deliberately obtained fake certificates and therefore the writ petition deserved to be dismissed. The State respondents also contended that the statements of the appellants were duly recorded in the Inquiry which was supported by the letters from the concerned universities holding the

certificates to be fake and therefore the charge framed against the appellants was proved beyond doubt.

13. The Registrars of the concerned universities also filed their affidavit in oppositions stating that the appellants did not enroll in the university nor did they qualify for any exam from the university and that the documents were not genuine.

Conclusion and Decision of the Learned Single Judge:

14. The appellants submitted fake certificates and as such the doctrine of empty formality or principle of idle ceremony would be squarely applicable in relation to the allegation of the illegality committed by the Inquiry Board. It was held that since the submission of fake certificate was an admitted fact, the principle of natural justice would not apply.

15. The learned single Judge also held that the fake certificates would not have entitled the appellants to be appointed in the first place. Since the appellants lacked the basic qualifications, they could not have been appointed as Primary teacher/Graduate teachers, and as such no prejudice had been caused to the appellants even though the disciplinary proceedings were not strictly in accordance with the settled law. On these grounds, the writ petitions were dismissed.

Grounds on which the Judgment and Order dated 09.09.2025 is Challenged:

16. The learned counsel for the appellants, Mr. A. Zhimomi, submits that there was no disciplinary proceeding at all in the eye of law and consequently, there could have been no order of dismissal. The State respondents themselves allowed the appellants to enroll in the distance education centers/extension centers set up in the State of Nagaland. The

appellants had been validly appointed under due process of law by appearing before an interview board. The fact that the professional qualification was an additional qualification not required for entry into service was completely ignored by the learned Single Judge. The learned Single Judge failed to appreciate that during the departmental proceedings, no witnesses were examined or cross examined and no documents were exhibited or proved. The learned Single Judge erroneously held that the appellants did not have the basic qualifications to enter into service.

17. It is further submitted that the learned Single Judge failed to appreciate that even assuming that the documents submitted by the appellants were fake, the appellants themselves were victims, inasmuch as the extension centers held out to be an extension counter for distance education affiliated to the university. Having been issued with the certificates for completion of the course, the appellants had no reasons to doubt the veracity of the certificates issued to them, and therefore there was no mala fide intention or ill motive on the part of the appellants in submitting the certificates in question. Learned counsel further submits that the learned Single Judge ignored a fundamental principle of law that in disciplinary proceedings, the penalty imposed must be proportionate to the misconduct.

18. The learned counsel for the appellants also submits that the affidavit-in-opposition filed by the Registrars of the universities before the learned Single Judge were not countered by the appellants as the grounds taken in such affidavits were never placed before the Inquiry Board, and it is settled law that an order which is invalid and illegal cannot be validated

later by introducing additional grounds through affidavit after it has been challenged in the court.

19. The learned counsel for the appellants relies on the following authorities in support of his contentions:

1. ***State of Uttar Pradesh vs Saroj Kumar Sinha*** reported in ***(2010) 2 SCC 772.***
2. ***Sher Bahadur vs Union of India and others*** reported in ***(2002) 7 SCC 142***
3. ***Union of India & Ors vs Ex.Constable Ram Karan*** reported in ***(2022) 1 SCC 373***
4. ***Capt. M. Paul Anthony vs Bharat Gold Mines Ltd & Anr*** reported in ***(1999) 3 SCC 679***

Arguments of the State Respondents:-

20. The learned Sr. Government Advocate, Mr. N. Angami, submits that there is no illegality or perversity in the judgment of the learned Single Judge. It is argued by the learned Sr. Government Advocate that when the professional certificates were submitted by the appellants to the respondent Department, the Department had sent the certificate to the university concerned for necessary verification, and it was found that the certificates submitted by the appellants were fake documents. The respondent Department, upon receiving the letters from the concerned universities, initiated action against the appellants under the Rules of 1967. It is argued that upon proper verification and by conducting inquiry with regard to the offence committed by the appellants, the offence was proved beyond reasonable doubt, and therefore the appellants were dismissed from service.

21. It is the further contention of the learned Sr. Government Advocate that even assuming, but not admitting that proper procedure was not followed during the departmental proceedings, no different conclusion could have been arrived at, as it is a fact that the appellants had submitted fake certificates. It is also argued by the learned Sr. Government Advocate that the appellants had not obtained the approval of the competent authority before joining the University concerned. The learned Sr. Government Advocate further submits that the learned single Judge has rightly come to the conclusion that the doctrine of empty formality would apply in the instant case, as no prejudice has been caused to the petitioners even though the departmental proceedings were not strictly in accordance with law inasmuch as the professional certificates of the appellants were all stated to be fake by the competent authorities of the three universities from where they were allegedly obtained.

22. The learned Sr. Government has relied on the following judgments in support of his submissions:

1. ***State of Meghalaya and Others vs Mecken Singh N. Marak*** reported in ***(2008) 7 SCC 580*** , wherein it was held that in the matter of imposition of sentence in a departmental proceeding, the jurisdiction of the High Court to interfere with the quantum of punishment is limited and cannot be exercised without sufficient reasons.
2. ***Lucknow Kshetriya Gramin Bank and Another vs Rajendra Singh*** reported in ***(2013) 12 SCC 372,*** wherein the Hon'ble Supreme Court has held that the quantum of punishment to be

imposed in a particular case is essentially the domain of the departmental authorities.

3. ***Asha vs PT. B.T.Sharma University of Health Sciences and others*** reported in ***(2012) 7 SCC 389.*** In this case, the Supreme Court held that it is a settled principle of law of pleadings that an averment made has to be specifically denied by the replying party, and if there is no specific denial, then such averment is deemed to have been admitted by the replying party. In the present case, the averments made by the 3 universities in their affidavit-in-opposition were never denied by the appellants.

23. In view of the above submissions, the learned Sr. Government Advocate submits that the appellants have not been able to make out a case for the interference of this court with the well-reasoned judgment of the learned single Judge.

Discussion and Decision:-

24. We have duly considered the submissions made by the learned counsel for the parties and perused the pleadings as well as the judgments relied upon.

25. The learned single judge dismissed the writ petitions on two grounds:

(i) Firstly, the learned single Judge held that the appellants did not have the basic qualification to enter into service. (ii) Secondly, the learned single Judge held that the documents submitted by the appellants were fake.

26. We have looked into the appointment orders of the appellants in detail. It is seen that some of the appellants have been appointed on ad-

hoc basis and thereafter regularized after facing an interview board. Some of the appellants had been appointed in pursuance of an advertisement and after facing the interview board pursuant to a selection process. At the time of appointment, it is evident that the petitioners/appellants were duly qualified to be appointed as Primary teachers/Graduate teachers. Even assuming that the NCTE guidelines requiring professional certificates were already in existence when the appellants were appointed it was the respondents themselves who appointed the appellants on regular basis. Only after they were duly appointed as Primary teachers/Graduate teachers, instructions were issued by the State Government from time to time starting from 26.06.2016 for acquiring the professional qualifications as an additional qualification.

27. The relevant Office Memorandum dated 26.06.2016 laid down relevant guidelines for training of the untrained teachers under school education department. A reading of the said Office Memorandum dated 26.06.2026 would reveal that there were about 11,982 untrained teachers in the Government schools of Nagaland. The Office Memorandum also stated that no existing teachers would be considered for appointment as head teacher or for promotion to the next higher grade if he or she does not have the prescribed professional qualification. It was further stated that if an untrained teacher does not acquire the prescribed professional qualification within 5 years from the date of publication of the Office Memorandum, his or her further increments of pay shall be stopped and they will also not be considered for grant of MACP.

28. This Office Memorandum dated 26.06.2016 makes it clear that there were several untrained teachers including the appellants in the State of

Nagaland, and by the Office Memorandum dated 26.06.2016, the untrained teachers were directed to acquire the professional qualifications within five years.

29. We are therefore of the considered view that the professional qualification was to be acquired as an additional qualification only, and that the appellants were duly qualified to be appointed as Primary teachers/Graduate teachers at the time of their appointment, and hence the State respondents had duly appointed them on regular basis. Resultantly, we respectfully disagree with the finding of the learned single Judge that the appellants were not qualified to be appointed as Primary teachers/Graduate teachers at the time of their appointment.

30. The appellants were dismissed from service on the ground that they had purportedly submitted fake documents with regard to their professional courses.

31. A perusal of the order initiating disciplinary proceedings under Rule 9(2) of the Rules of 1967 shows that the only article of charge framed against the appellants is that they submitted fake diploma/certificates and had utilized the fake documents to mislead the Department for availing undue service benefits. The order does not say that the petitioners/appellants did not have the requisite qualification at the time of appointment. It is clear from the records that the appellants were appointed on adhoc basis as Primary teachers/Graduate teachers over a period ranging from 2002 to 2006 and subsequently all of them were regularized after facing the interview board pursuant to an advertisement. This fact is not denied by the State respondents in their affidavit before the learned Single Judge or before this Court.

32. It is clearly borne out from the records that the disciplinary proceedings were initiated against the appellants for submitting alleged fake diploma certificates in respect of professional courses like B.Ed / D.El.Ed.

33. The law is well settled that a writ court can set aside an order of dismissal found to be vitiated by an unlawful disciplinary inquiry and permit the employer to proceed afresh in accordance with law. Setting aside a dismissal on procedural ground does not necessarily amount to exoneration of the employee from the charges. In the case of ***Managing Director ECIL vs. B. Karunakar, (1993) 4 SCC 727***, the Supreme Court held that where the procedural defect has materially prejudiced the employee and the punishment is consequently set aside the proper course is ordinarily to permit the disciplinary authority to continue the inquiry from the stage at which the defect arose.

34. Further, in ***Union of India vs. Y.S. Sadhu, (2008) 12 SCC 30,*** the Supreme Court considered a case in which the High Court had interfered with a dismissal after finding a defect concerning the examination and cross-examination of witnesses. The Supreme Court held that the Courts must consider whether the defect in the proceedings had affected the outcome. The decision in B. Karunakar (supra) is relevant as it lays down the proposition as to whether the defect is curable and the charges are to be determined lawfully, and it held that the appropriate course will be to allow the disciplinary proceedings to continue from the stage preceding the defect. Further, in ***State of Punjab vs. Dr. Harbhajan Singh Greasy, (1996) 9 SCC 322,*** the Supreme Court held that where a Departmental inquiry is found to be faulty, the appropriate

course is to remit the matter to the disciplinary authority to follow the prescribed procedure from the stage at which the defect arose. The Court held that the employee is to be treated as under suspension pending the inquiry and the consequential benefits will depend on the outcome of the proceedings. The Supreme Court further held that, "3.******* *Pending enquiry, the delinquent must be deemed to be under suspension. The consequential benefits would depend upon the result of the enquiry and order passed thereon."*

35. We have examined the Memorandum of charges, the article of charge, and the Inquiry Report. It is seen that the disciplinary proceedings have not been conducted in accordance with law. The relevant procedure to be adopted by the disciplinary authority is provided in Rule 9 of the Rules of 1967 and the same is reproduced below:-

> *"9. Procedure for imposing penalties:*
>
> *1) Without prejudice to the provisions of the Public servants (Inquiry) Act, 1850, no order imposing on a Government servant any of the penalties specified in Rule 7 shall be passed except after an inquiry, held as far as may be, in the manner hereinafter provided.*
>
> *2) The Disciplinary Authority shall frame definite charges on the basis of the allegations on which the inquiry is proposed to be held. Such charges, together with a statement of the allegations on which they are based, shall be communicated in writing to the Government servant, and he shall be required to submit, within such time as may be specified by the Disciplinary Authority, a written statement of his defence and also to state whether he desires to be heard in person. Standard Form of Memorandum of Charge-Sheet and Memorandum are specified in Schedule IV and V.*

Explanation: In this sub-rule and in sub-rule (3) the expression "Disciplinary Authority" shall include the authority competent under these rules to impose upon the Government servant any of the penalties specified in rule 7.

3) The Government servant shall, for the purpose of preparing his defence, be permitted to inspect and take extracts from such official records as he may specify, provided that such permission may be refused, if, for reasons to be recorded in writing, in the opinion of the Disciplinary Authority such records are not relevant for the purpose or it is against the public interest to allow him access thereto.

Provided that when a Government servant is permitted to inspect and take extracts from official records due care shall be taken against tampering, removal or destruction of records.

4) On receipt of the written statement of defence, or if no such statement is received within the time specified, the Disciplinary Authority may itself inquire into such of the charges as are not admitted or, if it considers it necessary so to do, appoint for the purpose a Board of Inquiry or an Inquiring Officer.

5) The Disciplinary Authority may nominate any person to present the case in support of the charges before the Authority inquiring into the charges (hereinafter referred to as the Inquiring Authority). The Government servant may present his case with the assistance of any other Government servant approved by the Disciplinary Authority but may not engage a legal practitioner for the purpose unless the person nominated by the Disciplinary Authority, as aforesaid is a legal practitioner or unless the Disciplinary Authority, having regard to the circumstances of the case, so permits. A Standard Form of order relating to appointment of Inquiry Officer is specified in Schedule V. –

6) The Inquiry Authority shall, in the course of the inquiry consider such documentary evidence and take such oral evidence as may be relevant or material in regard to the charges. The government servant shall be entitled to cross examined in witnesses examined in support of the charges and to give evidence in person, and to adduce documentary and oral evidence in his defence. The person presenting the case in support of the charges shall be

entitled to cross examine the government servant and the witnesses examined in his defence. If the Inquiring Authority declines to examine any witness or to admit any document in evidence on the ground that his evidence or such document is not relevant or material, it shall record its reasons in writing.

7) At the conclusion of the inquiry, the Inquiring Authority shall prepare a report of the inquiry, recording its findings on each of the charges together with reasons therefore.

8) The record of the Inquiry shall include:

i) the charges framed against the Government servant and the statement of allegations furnished to him under Sub-rule (2).

ii) his written statement of defence, if any;

iii) the oral evidence taken in the course of the inquiry;

iv) the documentary evidence considered in the course of the inquiry:

v) the orders, if any, made by the Disciplinary Authority and the Inquiring Authority in regard to the inquiry; and

vi) a report setting out the findings on each charges and the reasons therefore.

9) The Disciplinary Authority shall, if it is not the Inquiring Authority, consider the record of the inquiry and record its findings on its charges."

36. The Inquiry Report reveals that the disciplinary authority had relied on the verification report given by the competent authorities of the concerned universities. However, the appellants were not provided with copies of the verification report. The said verification reports were also not proved in accordance with law by examining the author of the verification report. The appellants were also not given any opportunity to adduce evidence and to examine or cross examine any witnesses.

37. Having arrived at a finding that the appellants possessed the requisite qualification for appointment as primary teacher/graduate teacher at the time of their initial appointment and having found that their dismissal has been made only on the ground of submitting alleged fake

professional certificates, and further having found that the disciplinary proceeding was not conducted in accordance with law, we are of the view that the impugned judgment dated 09.09.2025 needs to be interfered with.

38. We are of the view that the impugned orders of dismissal of the appellants dated 08.06.2022, having been passed pursuant to disciplinary proceedings vitiated by non-compliance with the prescribed procedure and the principles of natural justice, also needs to be interfered with which we hereby do. The dismissal orders dated 08.06.2022 are set aside and the appeals are allowed. The impugned judgment dated 09.09.2025 passed in WP(C) 251/2022,WP(C)259/2022,WP(C) 262/2022, WP(C) 114/2022, WP(C) 253/2022, WP(C) 252/2022, WP(C) 254/2022, WP(C) 263/2022, WP(C) 265/2022, WP(C) 255/2022, WP(C) 260/2022, WP(C) 261/2022 & WP(C) 264/2022 is hereby set aside.

39. The matter is remitted to the disciplinary authority for proceeding afresh in accordance with law from the stage at which the proceedings stood vitiated, after affording the appellants a reasonable opportunity of being heard and to defend themselves in accordance with the rules.

40. The reinstatement is solely for the purpose of holding the fresh enquiry from the stage where the defect arose and nothing more. The appellants/petitioners are to be treated as under suspension pending the inquiry and will be paid the subsistence allowance as per Rules. The consequential benefits will depend on the outcome of the proceedings. The disciplinary proceedings shall be concluded expeditiously, preferably within a period of 6 (six) months from the date of receipt of a certified copy of this judgment.

41. It is clarified that we are not expressing any opinion on the merits of the charges, which shall be determined independently by the competent authority in accordance with law.

42. The writ appeals are disposed of.

43. No orders as to cost.

JUDGE **JUDGE**

Comparing Assistant

Kiyazhatuou Chase

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