

CWP-8366 of 2026

2026:PHHC:073503



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

CWP-8366 of 2026

Date of decision: 11.05.2026

Saroop Singh and another

....Petitioners

versus

State of Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Shantanu Bansal, Advocate,
for the petitioners.

Mr. Satnampreet Singh Chauhan, DAG, Punjab.

NAMIT KUMAR, J. (ORAL)

1. Instant petition has been filed by the petitioners under Articles 226/227 of the Constitution of India for issuance of a writ of certiorari for quashing the order dated 14.05.2025 (Annexure P-21), passed by respondent No.3 whereby claim of the petitioners seeking challenge to their termination orders dated 09.08.2003 (Annexure P-6) and 18.08.2003 (Annexure P-7), has been rejected.

2. Briefly stated, the facts of the case, as have been pleaded in the petition, are that the petitioners were appointed as ETT Teachers vide appointment order dated 24.12.2001. However, their services were terminated during the period of probation, vide orders dated 09.08.2003 and 18.08.2003 (Annexures P-6 and P-7) on the ground that their original qualification certificates/degrees, upon verification from Magadh University, Bodh-Gaya, Bihar, were found to be fake.

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Aggrieved by the aforesaid action, petitioner No.1 filed an appeal dated 09.09.2003 (Annexure P-8) against the order of termination dated 09.08.2003. On the same set of allegations, FIR No.49 dated 17.09.2003 under Sections 465/468/470/471/420 IPC at Police Station Kotli Surat Malhi was registered against petitioner No.1 and FIR No.127 dated 16.04.2003 under Sections 198/420/468/471 IPC at Police Station City, Gurdaspur was registered against petitioner No.2 and other similarly situated persons. Petitioner No.1 was convicted vide judgment and order dated 03.06.2009, passed by learned Judicial Magistrate Ist Class, Batala. Thereafter, petitioner No.1 preferred an appeal, which was accepted and he was acquitted in the said case vide judgment dated 27.10.2009 (Annexure P-9), passed by learned Sessions Judge, Gurdaspur. Whereas, petitioner No.2 was acquitted vide judgment dated 11.10.2013 (Annexure P-9A), passed by learned Chief Judicial Magistrate, Gurdaspur. During the pendency of criminal proceedings, petitioners filed CWP-3709 of 2012 – Saroop Singh and another v. The State of Punjab and others, challenging their orders of termination dated 09.08.2003 and 18.08.2003, which was dismissed by learned Single Judge of this Court vide judgment dated 25.03.2014, by recording the following findings: -

“As far as the contention of the petitioners that the appeals filed by them immediately after their services were dispensed with should have been considered and decided is merely to be noticed and rejected for the reason that in terms of the Punjab Civil Services (Punishment & Appeal)

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Rules, 1970 (for short, 'the Rules'), under Rule 15, an appeal lies against an order imposing any of the penalty, specified in Rule 5. Rule 5 thereof defines minor and major penalties. Explanation (vii)(b) thereto provides that dispensing with the services of an employee during or on completion of period of probation is not treated as one of the penalty imposed under the Rule. Once that is so, to state that an appeal is maintainable against the order dispensing with the services of the petitioners during the period of probation is totally misconceived. No direction as such can be issued to the authorities to consider and dispose of such an appeal. The contention raised by learned counsel for the petitioners that the order was by way of punishment is also to be noticed and rejected as the Rules clearly define that this shall not be considered as a punishment under Rule 5.

*As far as petitioner No. 1 is concerned, his services were dispensed with on 9.8.2003. The criminal case was also registered against him on 17.9.2003. Though he was initially convicted by the Judicial Magistrate on 3.6.2009, however, subsequently his appeal was accepted by learned Sessions Judge on 27.10.2009. The writ petition was filed in February, 2012. On account of delay and laches, the same deserves to be dismissed. Reference can be made to the judgment of this court in CWP No. 3124 of 2011—*Harnam Singh v. State of Punjab and others*, decided on 10.3.2014.*

As far as petitioner No. 2 is concerned, the order dispensing with the services is dated 18.8.2003. It is not in dispute that till such time the present petition was filed, the trial against him was still pending as admittedly he was acquitted only on 11.10.2013, meaning thereby he did not



have any cause of action to file the present petition on the date it was filed.

Accordingly the petition filed on his behalf also deserves to be dismissed.

For the reasons mentioned above, the writ petition is dismissed.”

The said judgment was assailed by the petitioners before the Division Bench of this Court in LPA-1805 of 2014 – Saroop Singh and another v. The State of Punjab and others, which was withdrawn by the petitioners, vide order dated 01.12.2014 (Annexure P-16) with liberty that after obtaining report of the Magadh University, Bodh-Gaya, with regard to genuineness of their respective degrees, they shall approach the authorities for grant of necessary relief, as granted to the similarly situated persons. The order dated 01.12.2014 reads as under: -

“Learned counsel prays that the appellants may be permitted to withdraw this appeal with liberty that after obtaining report of the Magadh University, Bodh-Gaya, with regard to the genuineness of their respective degrees, they shall approach to the authorities for grant of necessary relief, as granted to the similarly situated persons.

Dismissed as withdrawn with the aforesaid liberty.”

Thereafter, the petitioners approached this Court by filing CWP-25076 of 2015 – Saroop Singh and another v. State of Punjab and others, which was disposed of by this Court, vide order dated 09.09.2024 (Annexure P-19) by passing the following order: -

“1. In the present writ petition, the grievance being raised by the petitioners is that the services of the

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petitioners have been terminated on the ground that the their degrees of the essential qualification have been found to be fake whereas, the petitioners have already been exonerated of the criminal charge on the same issue.

2. *Learned counsel for the petitioners submits that in one of the report given by the Institution concerned, they have retracted with regard to the assertion that the degree of the petitioners is fake and the similarly situated employees have already been reinstated in service hence, the petitioners be also granted the same benefit.*

3. *Learned State counsel submits that in case the petitioners file any representation giving the details of the persons who are similarly situated as the petitioners, have been reinstated as well as the letter of the University that the degrees of the petitioners were not fake, appropriate consideration will be given to the said representation and speaking order on the said representation will be passed within a period of eight weeks of the receipt of any such claim/representation and in case, it is found that the claim of the petitioners needs to be accepted, the same will be accepted otherwise due reasons will be mentioned in the speaking order to be passed for not accepting the claim of the petitioners for their information and necessary action, which reasons will be conveyed to the petitioners.*

4. *Learned counsel for the petitioners submits that keeping in view the statement of learned State counsel, the present writ petition may kindly be disposed of having been not pressed any further with liberty to the petitioners to file appropriate representation with the respondents.*

5. *Ordered accordingly.”*



Thereafter, alleging non-compliance of the order dated 09.09.2024, the petitioners filed COCP-1334 of 2025 – Saroop Singh and another v. Ms. Anandita Mitra, Principal Secretary, Deptt. of School Education, Punjab and others, which was disposed of, vide order dated 25.04.2025 (Annexure P-20), wherein the learned State counsel, on instructions, submitted that the District Education Officer, Primary Education, Gurdaspur, who is competent authority, shall pass a fresh speaking order on the representation dated 28.10.2024, in case they appear before the said authority on 28.04.2025. In pursuance to the said undertaking, the impugned order dated 14.05.2025 (Annexure P-21) has been passed, whereby the claim of the petitioners impugning the termination orders, has been rejected.

3. I have heard learned counsel for the parties and perused the record.

4. Admittedly, the earlier writ petition filed by the petitioners was dismissed by the learned Single Judge of this Court, vide judgment dated 25.03.2014 on merits as well as on account of delay and laches in approaching the Court as the services of the petitioners were terminated vide orders dated 09.08.2003 and 18.08.2003 (Annexures P-6 and P-7) and they approached this Court after an inordinate and unexplained delay of nine years by filing CWP-3709 of 2012. The said judgment was assailed by the petitioners in LPA-1805 of 2014, which was withdrawn by the petitioners with liberty that after obtaining report of the Magadh University, Bodh-Gaya, with regard to genuineness of their

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respective degrees, they shall approach the authorities for grant of necessary relief, as granted to the similarly situated persons. However, despite the liberty so granted, the petitioners have failed to place on record any document to establish the genuineness of their degrees. In such circumstances, the petitioners having once failed on merits and on the ground of delay and laches and also having failed to avail the limited liberty granted by this Court, cannot be permitted to reagitate the same cause of action.

5. Therefore, in this view of the matter, there is no merit in the present petition and the same is hereby dismissed with no order as to costs.

11.05.2026
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No