



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

**CWP No.7665 of 2023 (O&M)
Date of Decision:-27.04.2026**

Susham Lata

.....Petitioner.

Versus

State of Punjab and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present:- Mr. Harinder Sharma, Advocate and
Mr. Ajay Kumar Chaudhary, Advocate
for the petitioner.

Mr. Surya Kumar, AAG, Punjab.

NAMIT KUMAR, J.(Oral)

1. The instant petition has been filed by the petitioner under Article 226/227 of the Constitution of India, seeking issuance of a writ in the nature of certiorari for quashing the order dated 15.03.2023 (Annexure P-11), having endorsement dated 24.03.2023, whereby the services of the petitioner have been terminated on the ground that her experience certificate was fake.

2. Briefly stated, the facts of the case, as have been pleaded in the present petition, are that in pursuance of advertisement dated 05.09.2007 (Annexure P-1), issued by respondent No.2, inviting applications for appointment of 9998 posts of Teaching Fellows on consolidated pay for a period of 3½ years against JBT/ETT posts in the Department of School Education (Primary Wing), Punjab, the petitioner,



being duly qualified, applied for the said post. Upon consideration of her merit she was appointed as Teaching Fellow vide appointment letter dated 20.11.2008 (Annexure P-2). Thereafter, a public notice dated 07.08.2009 (Annexure P-3), was issued alleging that as per the reports of the District Education Officer, certificates/degrees or experience certificates of certain candidates appointed as Teaching Fellows have been found bogus and they were directed to appear before a Committee for personal hearing and to present their stand before the Committee on the date and time prescribed for the said purpose and in pursuance to the said public notice, the petitioner duly appeared before the Committee and produced her documents. Subsequently, in terms of government policy dated 20.10.2010, the services of the petitioner were regularized vide order dated 02.06.2011 w.e.f. 01.04.2011 (Annexure P-4). In the meantime, an FIR No.43 dated 08.03.2011 under Sections 465, 467, 468 and 34 of IPC has been registered at P.S. City Gurdaspur, regarding alleged fake experience certificates. The case of the petitioner is that she was found innocent during the police inquiry, wherein it was concluded that her experience certificate issued by Twinkle Star Public School, Taragarh was genuine (Annexure P-5). The petitioner had also approached this Court by filing **CRM-M-807 of 2016**, which was withdrawn in view of the affidavit filed by the police authorities affirming her innocence (Annexure P-6). It is further stated that in the said FIR, the petitioner was not an accused. However, the prosecution, thereafter, filed an application under Section 319 Cr.P.C. for summoning various additional accused, including the petitioner, which was dismissed by the learned Judicial Magistrate 1st Class, Gurdaspur vide order dated



19.12.2024 and ultimately, all the accused persons in the said FIR have been acquitted by the learned Judicial Magistrate 1st Class, Gurdaspur vide judgment dated 02.04.2025. It is further averred that one Harish Sharma, who had applied for the said post and whose claim was not considered by the respondent on account of lesser merit, challenged the selection process by filing **CWP No.23664 of 2014** titled as '*Harish Sharma Vs. State of Punjab and others*' wherein the present petitioner was impleaded as respondent.

Pursuant thereto, respondent No.3 issued a show-cause notice dated 23.11.2015 (Annexure P-7) to the petitioner seeking her reply with regard to the verification of her documents. The petitioner submitted her reply (Annexure P-8) and appeared before the concerned persons, wherein her documents were found to be satisfactory and no further action was taken at that stage. However, services of the petitioner have been ordered to be terminated on the allegation of getting the job on the basis of fake experience certificate for which FIR No.43 dated 08.03.2011 has been registered against the petitioner. Therefore, by cancelling the appointment dated 20.11.2008, the services of the petitioner are terminated with immediate effect, vide order dated 15.03.2023, having endorsement dated 24.03.2023 (Annexure P-11), which has been impugned in the present petition.

3. Reply on behalf of respondents No.1 to 3 has been filed by way of affidavit of Mamta Khurana Sethi, District Education Officer (Elementary Education), Gurdaspur, wherein the termination of the petitioner has been justified by stating that an FIR No.43 dated 08.03.2011



has been registered against the petitioner and her experience certificate has been declared as bogus/fake by a three Member Committee constituted by the Department for verification of the experience certificate.

4. Learned counsel for the petitioner submits that once the services of the petitioner stood regularized, she is entitled to the protection of Article 311 of the Constitution of India and her services cannot be terminated without holding a regular departmental inquiry. No such procedure has been followed by the respondents while terminating the services of the petitioner, as neither any charge-sheet has been issued to the petitioner nor an inquiry has been held. He further submits that even the basis of the termination order, i.e. registration of FIR No.43 dated 08.03.2011, is misconceived, as the petitioner was not even arrayed as an accused in the said FIR. Moreover, the application filed by the prosecution under Section 319 Cr.P.C. for summoning the petitioner and other persons as additional accused was dismissed by the trial Court vide order dated 19.12.2024 and even the accused who were named in the FIR, have been acquitted vide judgment dated 02.04.2025.

5. Per contra, the learned State counsel, while referring to the averments made in the written statement, submits that the services of the petitioner have been terminated on the basis of the report of the Committee dated 31.03.2010 (Annexure R-1). However, he could not dispute the fact that in the criminal case, the petitioner was not an accused and even the other accused persons have already been acquitted. He has prayed for dismissal of the writ petition.

6. I have heard learned counsel for the parties and perused the



record with their able assistance.

7. Admittedly, the petitioner was initially appointed as Teaching Fellow on 20.11.2008 and her services were regularized vide order dated 02.06.2011 w.e.f. 01.04.2011. The services of the petitioner have been ordered to be terminated by cancelling the appointment letter dated 20.11.2008 whereby she was appointed as Teaching Fellow but however, the factum of regularization of the services of the petitioner have been totally ignored by the respondents. Once the services of the petitioner stood regularized, the same could not have been terminated without following the due procedure of law. The petitioner, being a regular employee, is entitled to protection under Article 311 of the Constitution of India and her services could not have been terminated without following the procedure laid down under the Punjab Civil Services (Punishment and Appeal) Rules, 1970. However, the procedure prescribed under the said Rules has not been followed, as neither the petitioner has been issued any charge-sheet nor regular inquiry was conducted before passing the impugned order. The co-ordinate Bench of this Court in ***CWP No.18632 of 2020*** titled as ***Gurbachan Singh Vs. Shrimoni Gurudwara Parbandhak Committee and another***, decided on 22.03.2022, has held that the services of a regular employee cannot be terminated without following the procedure prescribed under the applicable Rules.

8. In view of the above, the present petition is allowed. The order dated 15.03.2023 (Annexure P-11), terminating the services of the petitioner is hereby set-aside. The petitioner is ordered to be reinstated in service with all consequential benefits. However, the respondent-Department shall be at liberty to hold a regular inquiry in accordance with



law, if so advised.

9. Pending misc. application, if any, stands disposed of.

April 27, 2026
Yag Dutt

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No