

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-2981-2025

STATE OF PUNJAB AND ANOTHER

..Appellants

Versus

PREM SINGH

..Respondent

Reserved on: 09.12.2025

Date of decision: 28.01.2026

Uploaded on : 28.01.2026

Whether only the operative part of the judgment is pronounced?

NO

Whether full judgment is pronounced?

YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Animesh Sharma, Addl. A.G., Punjab.

Mr. D.S. Patwalia, Sr. Advocate
with Mr. Gauravjit Singh Patwalia, Advocate
Mr. Logan K. Sidhu, Advocate
for respondent.

SUDEEPTI SHARMA, J.

1. The present regular second appeal is preferred against judgment and decree dated 12.04.2023, passed by learned Civil Judge (Junior Division), Patiala, whereby, the civil suit filed by the respondent was decreed in his favour and judgment and decree dated 25.04.2025, passed by learned Additional District Judge, Patiala, whereby the appeal filed by the appellant against judgment and decree dated 12.04.2023, was dismissed.

BRIEF FACTS OF THE CASE

2. Brief facts of the case as per the pleadings in the civil suit are that the respondent joined as Clerk in the Department of Excise and Taxation



on 10.07.1972. He was promoted as an Assistant on 12.10.1983. He submitted an application to the appellant-Department to pursue degree of Bachelor of Arts (B.A.) as a private candidate from Magdh University, Bodhgaya, Bihar. He was granted permission and secured a B.A. degree from Magdh University, Bodhgaya, Bihar. On 30.05.1994, he was promoted as Superintendent. On 26.08.1994, the appellant-department vide letter dated 26.08.1994 directed the respondent to produce the original certificate/degree of B.A.. On 04.01.1995, the respondent submitted his original certificate/degree along with detailed marksheet to the appellant-department. On 16.02.1995, the appellant-department sent the original certificate/degree of the respondent to Magdh University, Bodhgaya, Bihar for verification. On 02.08.1997, the Controller of Examination, Magdh University, Bodhgaya, Bihar, verified the certificate/degree of the respondent and found it to be correct. Despite the aforesaid verification on 20.05.2000, Additional Excise and Taxation Commissioner, Punjab asked the respondent to produce his B.A. degree. On 20.08.2000, respondent informed the Additional Excise and Taxation Commissioner that the original certificate/degree along with original marksheet were already submitted to the appellant-department on 04.01.1995. On 08/11.10.2002, the respondent was promoted to the post of Excise and Taxation Officer and he joined on 17.10.2002. Despite the original certificate/degree having been verified and despite the same being in possession of the appellant-department, various letters were written by the appellant-department for verifying the degree of the respondent. The Controller of Examination, Magdh University, Bodhgaya, Bihar, again vide letter dated 20.05.2003 informed the appellant-department that the respondent had passed graduation with the 'Second Division' with Roll



No.20243 and registration No.3940/88. Despite the degree having been verified on various occasions, the appellant-department again sought verification from the Controller of Examination, Magdh University, Bodhgaya, Bihar and the Controller of Examination vide letter dated 11.05.2007 conveyed that the said certificate/degree was not traceable. It is admitted fact that the original certificate/degree in possession of the appellant-department was misplaced and photocopy was sent to the Controller of Examination for verification purposes.

3. Solely on the basis of letter dated 11.05.2007 without serving any show cause notice, respondent was reverted from the post of Excise and Taxation Officer to the post of Superintendent on 19.11.2007. The respondent filed writ petition bearing No.CWP-18678-2007, which was disposed of by Division Bench of this Court vide judgment dated 18.01.2008, on the basis of statement made by learned State Counsel on instructions, that the order of reversion of respondent would be withdrawn. Subsequently, the respondent was issued a chargesheet under Rule 8 of Punjab Civil Services (Punishment and Appeal) Rules, 1970 on 29.04.2009. On 27.10.2010, the enquiry officer submitted his report holding the respondent guilty of the charges. On 31.12.2010, the respondent retired as Excise and Taxation Officer. On 03.01.2015, the appellant-department passed an order inflicting a penalty of stoppage of provisional pension with immediate effect. The respondent filed civil suit challenging the order of punishment dated 03.01.2015, which was decreed in his favour and order dated 03.01.2015 inflicting punishment of stoppage of provisional pension was set aside by learned Civil Judge (Junior Division), Patiala vide its judgment and decree dated 12.04.2023. The appellant filed appeal against



the same, which was dismissed vide judgment and decree dated 25.04.2025 passed by learned Additional District Judge, Patiala. Hence, the present Regular Second Appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES:-

4. Learned counsel for the appellants contends that both the Court erred in law by ignoring the final verification report dated 11.05.2007 from Magdh University, Bodhgaya, Bihar, which conclusively established that B.A. degree and related documents submitted by respondent were fake and were acquired through fraudulent means.

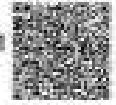
5. Further that findings of both the Courts are contrary to settled principle of law that fraud vitiates even the most solemn judicial acts and cannot be ignored.

6. Further that departmental action of reverting the respondent to his previous post and withholding his provisional pension was justified under the applicable service rules, given the conclusive proof of forgery, fraud and criminal breach of trust.

7. Further that both the Courts have failed to apply the well settled principle of law that public employment obtained through fraudulent means cannot be protected under Article 311 of the Constitution of India or under the general principles of equity. He, therefore, prays that the present appeal be allowed.

8. Per contra, learned Senior counsel for respondent contends that both the Courts have rightly allowed the civil suit filed by the respondent and dismissed the appeal filed by the appellant.

9. Further that despite verifying the degree of respondent twice, again for the third time, the degree of the respondent was verified, which as



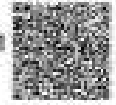
per the admitted fact of the appellant was in possession of the appellant-department and misplaced by them and a photocopy was sent to the Controller of Examination for verification purposes.

10. Further that FIR No.208 dated 07.11.2014, registered under Section 420,465, 468, 471 IPC at Police Station Civil Lines, Patiala was registered against respondent, in which the respondent was acquitted by Judicial Magistrate, First Class, Patiala vide judgment dated 08.04.2019.

11. Further that the execution filed by the respondent is satisfied vide order dated 30.10.2025. He, therefore, prays that the present appeal be dismissed.

12. I have heard learned counsel for the parties and have perused the whole record of the case with their able assistance.

13. Admittedly, the respondent pursued B.A. degree from Magdh University, Bodhgaya, Bihar after obtaining permission and secured the same. Thereafter, he was promoted as Superintendent. The appellant-department directed him to produce the original certificate/degree of B.A., which was got verified by the appellant-department and the Controller of Examination, Magdh University, Bodhgaya, Bihar vide letter dated 02.08.1997 verified the certificate/degree of respondent and found it to be correct. Admittedly, the original certificate/degree was in the possession of the appellant-department after that and after verifying the certificate/degree of respondent, respondent was promoted to the post of Excise and Taxation Officer on 08/11.10.2002. Again, the original certificate/degree was verified by the appellant-department and vide letter dated 20.05.2003, the Controller of Examination, Magdh University, Bodhgaya, Bihar informed the appellant-department that respondent had passed the graduation with 'Second



Division' with Roll No.20243 and registration No.3940/88. Therefore, the certificate/degree of respondent was verified twice by the appellant-department.

14. Admittedly, the original certificate/degree in possession of the appellant-department was misplaced and again photocopy of the same was sent to the Controller of Examination, Magdh University, Bodhgaya, Bihar for verification purposes when it was conveyed by the Controller of Examination vide letter dated 11.05.2007 that the said certificate/degree was not traceable. Strangely enough once certificate/degree was verified twice by the appellant-department, there is nothing on record to show that as to what was the requirement of verifying the same for the third time. Further, respondent was promoted upto the post of Excise and Taxation Officer thereafter. In the FIR No.208 dated 07.11.2014, registered under Section 420,465, 468, 471 IPC at Police Station Civil Lines, Patiala filed by the appellant-department, respondent was acquitted. Admittedly, original certificate/degree was submitted by respondent to the appellant-department but the same was lost and was not traceable, therefore, the contention of learned counsel for the appellant that original certificate/degree of graduation of respondent was fake despite the fact that it was verified twice and the report was in favour of respondent, cannot be accepted.

15. Further, the execution filed by the respondent is satisfied vide order dated 30.10.2025.

DECISION

16. In view of the same, I do not find any infirmity and illegality in judgment and decree dated 12.04.2023, passed by learned Civil Judge



(Junior Division), Patiala and judgment and decree dated 25.04.2025, passed by learned Additional District Judge, Patiala and the same are affirmed.

17. Accordingly, the present appeal is **dismissed**. Parties are left to bear their own costs.

18. Decree sheet be drawn.

28.01.2026

Ayub

(SUDEEPTI SHARMA)
JUDGE

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