

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-34199-2024 (O&M)

Dr. Gajender Singh ... Petitioner

VS.

State of Haryana & Ors. ... Respondents

1.	Judgment reserved on	08.01.2026
2.	Judgment pronounced on	16.02.2026
3.	Judgment uploaded on	19.02.2026
4.	Whether operative or full judgment	Full
5.	Delay in pronouncement of full judgment and reasons, if any	NA

CORAM: HON’BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. AK Premi, Advocate and
Mr. Digvijay Parihar, Advocate for the petitioner

Ms. Mayuri Lakhanpal Kalia, DAG Haryana

Mr. Puneet Gupta, Advocate and
Mr. Ravinder Singh, Advocate for respondents No.2 to 4

Mr. Amit Rao, Advocate for respondent No.6

Sandeep Moudgil, J.

(1). The jurisdiction of this Court has been invoked under Article 226 of the Constitution of India, *inter alia*, for issuing a writ of certiorari quashing the impugned letter dated 11.12.2024 (Annexure P20) whereby petitioner’s appointment as Assistant Professor, Department of Physical Education & Sports in the Central University of Haryana, Mahendergarh, has been cancelled by respondent No.4. A further direction is sought to reinstate the petitioner with all consequential benefits.

(2). Learned counsel for the petitioner contends that the impugned letter dated 11.12.2024 cancelling the Petitioner's appointment as Assistant Professor is without jurisdiction and liable to be set aside. He submits that

under Ordinance-V (B) of the University Ordinances and the annexed Service Agreement, the Executive Council is the competent appointing and disciplinary authority for the Petitioner and admittedly, the impugned order was passed without placing the matter before the Executive Council or obtaining its approval which is violative of statutory procedure and Article 311(1) of the Constitution of India, which mandates that termination of a public servant should follow the procedure established by rules and as such, the petitioner, having completed probation (one year and eleven months) without extension, holds a regular position, rendering the order *void ab initio*.

(3). It is contended that the Respondents' verification committee erred in rejecting the petitioner's EWS eligibility as the EWS certificate dated 16.09.2021 (Annexure P-4), issued by the Tehsildar, Tohana, for financial year 2020-21, remains valid and uncanceled, as does the certificate dated 03.01.2023. He submits that at the time of issuance of such EWS certificate, the petitioner held less than 5 acres of agricultural land and the land measuring 13 kanals 10 marlas at Village Danoda was mutated in his name only on 22.11.2022 i.e. post closing date of the advertisement and the said fact was overlooked by the Committee, rendering its conclusions arbitrary and the impugned order unsustainable. It is further submitted that no copy of the complaint by Mandeep Singh was supplied, and the Petitioner was denied opportunity to appear before or respond to the committee and as such, the entire process occurred ex parte, behind the Petitioner's back.

(4). On the other hand, written statement dated 18.02.2025 has been filed by respondents No.2 to 4 wherein it has been averred that the family of the petitioner was having total 40 kanals 8 marlas agricultural land at village

Danoda Khurd, Narwana and his father Ram Kumar died on 02.06.2022 and after his father's death, the aforesaid agricultural land was equally transferred in favor of the petitioner and his two brothers, therefore, the petitioner received his share of a total of 13 kanals 10 marlas of land. He submits that as per the report of the two-members committee, it was found that the total land of the petitioner is more than 6 acres and hence he does not come under the purview of EW category and as such, the petitioner obtained employment by preparing and submitting a false EWS certificate which is against Clause 4 of the Office Memorandum dated 31.01.2019 (Annexure R2/8) which mandates that persons who are not covered under the Scheme for reservation for SCs/STs/OBCs and whose family has gross annual income below Rs.8 lakhs are to be identified as EWS. He referred to Clause 4.2 of the said OM which provides that the "property" held by a 'family' in different locations or different places/cities would be clubbed while applying the land or property holding test to determine EWS status.

(5). Learned counsel for the respondent-University then submits that in pursuance to the order dated 19.12.2024 passed by this Court, the petitioner was permitted to re-join his services vide office order dated 08.01.2025 (Annexure R-2/5) and the University has separately written to the Deputy Commissioner for cancellation of the EWS certificate issued to the petitioner inasmuch as the petitioner did not disclose the date of death of his grandfather in the petition which clearly shows that after the death of his grandfather, the father of the petitioner possessed the property which was required to be considered at the time of issuance of EWS certificate by Tehsildar, Tohana.

(6). Heard learned counsel for the parties.

(7). The governing Office Memorandum dated 31.01.2019 expressly provides that the “property held by a ‘family’ in different locations or different places/cities would be clubbed while applying the land or property holding test” and that “family” includes the applicant, his/her parents, minor siblings, spouse and minor children. The respondents’ un rebutted pleadings show that prior to the petitioner’s father’s death on 02.06.2022, the family owned 40 kanals 8 marlas of agricultural land at village Danoda Khurd, which, when converted, is approximately 5 acres exactly the exclusion threshold under the EWS scheme. The subsequent mutation of 13 kanals 10 marlas in favour of the petitioner on 22.11.2022 is merely a change in the mode of holding, not in the quantum of family property; it cannot retrospectively alter the fact that, at the time of issuance of the EWS certificate for financial year 2020-21 and on the closing date of the advertisement, the petitioner’s family held land in excess of the permissible limit. In other words, even if the certificate was formally issued by the Tehsildar, it was substantively contrary to the central EWS norms and could not lawfully confer eligibility for reservation.

(8). Secondly, the legal position on appointments procured through false or invalid reservation certificates is well settled. It is trite that an appointment secured on the basis of a fraudulent caste certificate is “void ab initio” and confers no enforceable right to continue in service, in such cases, Government resolutions or equitable considerations cannot be invoked to protect the appointee. It does not create any legal right in the appointee” and that a person who is not qualified or eligible “cannot claim protection under Article 311” merely by relying on length of service or alleged procedural lapses because “fraud vitiates all” and any leniency would erode public trust in the

recruitment process. The present case falls squarely within this line inasmuch as the petitioner availed of an EWS benefit for which his family was, on its own showing, ineligible under the land-holding test, thereby denying a genuinely eligible candidate the post. Even the limited procedural imperfections in the impugned letter as alleged by the petitioner do not warrant the extraordinary relief of reinstatement, particularly when weighed against the settled jurisprudence that appointments vitiated by fraud or ineligibility must be dealt with firmly.

(9). At the same time, the Court cannot overlook the role and responsibility of the issuing revenue authority, which is the statutory gatekeeper of EWS certification. The EWS scheme entrusts issuance of Income & Asset certificates exclusively to designated revenue officers precisely because the State is the custodian of revenue records and is expected to verify land, property and income before certifying EWS status. Where, despite having complete access to jamabandi, mutation and related land records, the competent authority issues an EWS certificate to a family whose recorded agricultural holding prima facie exceeds the prescribed 5-acre limit, this reflects a serious lapse, if not gross negligence, in discharge of a statutory function. Courts in analogous contexts have not hesitated to deprecate such complacency on the part of revenue officials and to call upon the State to examine and fix responsibility for wrongful issuance of reservation certificates, so that systemic misuse is curbed and public confidence in the certification process is restored.

(10). In the present case, while the petitioner cannot be permitted to retain an appointment to which he was never substantively entitled, his attempt to rely either on the respondents' inaction in not cancelling the EWS certificate

or on his having completed the probation period cannot prevail when measured against (i) the clear statutory EWS norms which automatically exclude him from claiming the benefit of reservation in view of family owning 5 acres or more of agricultural land, (ii) his own admitted family landholding which brings him outside the permissible EWS limit, and (iii) the settled line of decisions which authoritatively hold that where a person secures public employment by suppressing material facts or misusing a reservation certificate, such appointment is to be treated as invalid *ab initio* and cannot be protected on technical, procedural or sympathetic grounds.

(11). At the same time, the circumstances under which the Tehsildar/competent authority proceeded to issue EWS certificates in favour of the petitioner, despite the existence of revenue records indicating substantial family landholding even before his appointment with the respondents, warrant a serious and time-bound administrative probe, so that responsibility, if any, of the officer(s) concerned is fixed and appropriate corrective measures are put in place to ensure that such lapses in scrutiny and certification do not recur in future.

(12). The writ petition is dismissed with a direction that the State shall examine the conduct of the revenue officials concerned and take penal action against the erring official(s) besides corrective measures in the EWS certification mechanism.

(13). Let a copy of this order be sent to the Chief Secretary, Haryana who shall submit the action taken report within two months from today.

16.02.2026
V.Vishal

(Sandeep Moudgil)
Judge

- 1. Whether speaking/reasoned? :
- 2. Whether reportable? :

Yes/No
Yes/No