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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 14559/2022

SH. MOHAN LAL DISHANIA

.....Petitioner

Through: Appearance not given.

versus

BUREAU OF INDIAN STANDARDS AND ANR.Respondents

Through: Mr. Sanjay Sarin, Advocate for R-1,
2.

+ W.P.(C) 14560/2022

SHAKTI SINGH JAT

.....Petitioner

Through: Mr. Hemant Sharma, Ms. Aakanksha
Tiwari, Mr. Rahul Tiwari, Mr. Vithik
Santosh Vhatkar and Ms. Nilakshi
Choudhary, Advocates.

versus

BUREAU OF INDIAN STANDARDS AND ANR.Respondents

Through: Mr. Sanjay Sarin, Advocate for R-1,
2.

+ W.P.(C) 14569/2022

NEERAJ KUMAR JAT

.....Petitioner

Through: Appearance not given.

versus

BUREAU OF INDIAN STANDARDS AND ANR.Respondents

Through: Mr. Sanjay Sarin, Advocate for R-1,
2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

09.03.2026

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1. These writ petitions assail memoranda dated 19th September, 2022



whereby the services of the Petitioners came to be terminated from the post of Senior Technician in the Bureau of Indian Standards/¹Respondent No. 1. Since the impugned action in all petitions arises out of the same recruitment process, proceeds on the same appointment conditions, and rests on an overlapping factual foundation, namely, the alleged falsity or unreliability of the experience certificates furnished by the Petitioners in support of eligibility, the petitions are being decided together.

Factual Matrix

2. BIS issued Advertisement No. 01/2020/ESTT. dated 14th February, 2020, inviting applications for direct recruitment, *inter alia*, to the post of Senior Technician. Under the advertisement, one of the essential eligibility conditions for the said post was “two years’ practical experience in the respective trade after having obtained the Industrial Training Institute Certificate or National Apprenticeship Certificate in the relevant trade”.

3. The Petitioners applied pursuant to the aforesaid advertisement and were selected and appointment letters were issued in their favour. Those letters made the nature of appointment clear in more than one way. First, the appointments were provisional. Second, each appointee was to remain on probation for two years. Third, and more significantly, the offer expressly stipulated that the appointment remained subject to verification character and antecedents, and that if such verification revealed that the information furnished by the candidate was false, the services of the candidate would be terminated forthwith, without prejudice to such further action as may be taken in accordance with law.

4. The record also shows that, at the time of joining, each Petitioner

¹ “BIS”



furnished an attestation form containing an undertaking that furnishing false information or suppressing factual information would render the candidate unfit for employment. Thus, the Petitioners did not enter service under an unqualified or unconditional appointment. They entered service subject to an express verification regime, which was built into the appointment itself.

5. After the Petitioners joined service, BIS undertook verification of the experience documents furnished by them. For this purpose, teams comprising BIS officials were deputed to verify the credentials and experience certificates of the selected candidates. The outcome of that exercise forms the basis of the impugned action.

6. In the case of Mohan Lal Dishania, BIS asserts that the experience certificate furnished by him from M/s Vinayak Enterprises, Sikar for the period from 15th February, 2017 to 20th April, 2019 could not be accepted as genuine. The counter affidavit states that no such enterprise was found at the address mentioned in the certificate and that, instead, a medical establishment was found functioning there. It is further stated that the person connected with the premises admitted issuance of the certificate but was unable to produce supporting records such as attendance or payment material, and also stated that staff was engaged only temporarily as per requirement and not for continuous periods.

7. In the case of Neeraj Kumar Jat, BIS relies on verification of the certificate issued by M/s Meena Electrical, Danalpur for the period from 1st March, 2018 to 1st March, 2020. BIS asserts that the proprietor, Harkesh Meena, stated that his letterhead had been misused, that the certificate had not been issued by him, that the authenticity of the attendance material could not be verified, and that he had never engaged any employee continuously



for more than six months.

8. In the case of Shakti Singh Jat, BIS records materially similar facts concerning the experience certificate issued by M/s Meena Electrical, Danalpur for the period from 1st September, 2014 to 14th January, 2017. It is additionally stated that, at the time of skill test, he had first furnished a self-attested copy of a provisional ITI certificate, later furnished what was described as the original ITI certificate, and BIS found that the latter could not be verified through the barcode and did not mention the candidate's roll number. It is also the stand of BIS that the Petitioner had furnished a different experience certificate at the time of skill test and at the time of joining, which was itself treated as doubtful.

9. After the aforesaid verification, BIS issued separate show cause notices dated 8th June, 2022 to each Petitioner. They identified the certificate in question, referred to the result of verification, recorded why BIS considered the certificate false or unacceptable, and called upon the Petitioners to explain why their services should not be terminated. Replies were submitted by the Petitioners in June, 2022. BIS found the same unsatisfactory and thereafter issued the impugned memoranda dated 19th September, 2022 terminating their services.

10. The termination memoranda proceed on a common basis. They refer to the essential eligibility condition regarding two years' practical experience, the provisional nature of the appointment, the express stipulation in the appointment letter that the appointment was subject to verification, the verification conducted by BIS, the issuance of the show cause notice, and the conclusion that the experience certificate furnished by the concerned Petitioner could not be treated as authentic proof of the essential experience



required for the post.

Petitioners' case

11. Counsel for the Petitioners assail the impugned memoranda as arbitrary, stigmatic, and unsustainable in law. The submissions, in substance, are these.

11.1. The Petitioners were selected pursuant to the regular recruitment process. They appeared in the examination and the skill test, produced their original documents for verification, and only thereafter appointment letters were issued in their favour. Having scrutinised the Petitioners' documents at the stage of selection and again at the time of joining, BIS cannot reopen or revisit the same issue after the Petitioners had already entered service and have served for a substantial period of time.

11.2. The entire action is founded on a one-sided verification exercise conducted behind the back of the Petitioners. The alleged verification reports were never properly furnished to them along with the underlying material. They were not associated with the verification, were not informed of the statements allegedly made by the concerned establishments except in a truncated form reproduced in the show cause notices, and were given no meaningful opportunity to rebut the same. The complaint, therefore, is not merely of an adverse conclusion, but of denial of a fair process before that conclusion was acted upon.

11.3. The show cause notices proceeded on a foregone conclusion. In some cases BIS described the experience certificates as "forged"; in others it described them as "false" or "not in order"; and in one case it even expressed doubt regarding the ITI certificate. once BIS had branded the documents in that manner before considering the reply, the subsequent



exercise was merely formal and the decision had already been made.

11.4. The impugned orders are not innocuous probationary terminations at all. Though couched as termination during probation, they are founded on serious allegations of fraud, falsehood, forged certificates and ineligibility. Such allegations cast a clear stigma on the Petitioners' characters and integrity. In such circumstances, the employer could not have dispensed with their services by resorting to the probation clause alone, and a full-fledged inquiry consistent with the principles of natural justice was necessary before recording any such conclusion.

11.5. Probation cannot be used as a device to bypass due process. The purpose of probation is to assess suitability in service, conduct, efficiency and work performance. It is not meant to arm the employer with unstructured power to reopen the basis of appointment long after joining and then remove the employee on allegations amounting to misconduct. Since the Petitioners had already worked for more than eighteen months and their service conduct had never been found wanting, the invocation of the probation clause is colourable and legally impermissible.

11.6. The Petitioners never suppressed any material fact and the experience certificates furnished by them were genuine and submitted *bona fide*. They had no reason to suspect any defect in the certificates. In some petitions, it is contended that the establishments concerned have later supported the Petitioners' stand and have issued certificates, affidavits or communications affirming that the Petitioners had, in fact, worked with them. On that basis, the matter raises serious disputed questions of fact which BIS could not have resolved unilaterally against the Petitioners without a proper adjudicatory process.



11.7. Another plank of the challenge is that the BIS has acted inconsistently. If the certificates were truly forged and the Petitioners had procured public employment by fraud, BIS ought to have pursued criminal action with seriousness. The absence of any effective criminal prosecution or registration of FIR at the relevant stage weakens the allegation of forgery and shows that BIS itself was uncertain of the charge. This circumstance lends support to the contention that the theory of false certificates was devised only to remove the Petitioners from service.

11.8. Reliance is also placed on the terms of the appointment letters. Particular emphasis is placed on the clause stating that during probation, the services may be terminated by one month's notice or pay in lieu thereof. It is submitted that even that condition has not been honoured in its true spirit, for the Petitioners were not given an effective prior notice of termination in the manner contemplated. The show cause notices were not notices of discharge during probation, but accusations of fraud. The ultimate action, therefore, cannot be justified relying on the probation clause.

11.9. The impugned action is vitiated by arbitrariness and unfairness under Articles 14 and 16 of the Constitution of India. BIS, first found them eligible, appointed them, took work from them for a considerable period, and then abruptly removed them on a basis that was neither transparently disclosed nor properly tested. Public employment cannot be taken away on the strength of undisclosed verification material and unverified third-party statements, particularly when the employee is not afforded an effective chance to meet them.

11.10. The Petitioners are young workmen drawn from modest backgrounds, and in many cases are the sole earning members of their families. The



impugned action has severe civil consequences extending beyond mere loss of employment, since the orders hpld them as persons who entered service on false or forged certificates. It is therefore submitted that the Court should insist on strict fairness and should not permit such drastic consequences to rest on an *ex parte* administrative verification.

Submissions on behalf of BIS

12. BIS, on the other hand, submits that the challenge is without merit. It contends that the experience requirement was an essential eligibility condition under the recruitment advertisement and the relevant regulations. The appointments were expressly provisional and subject to verification. BIS further submits that this is not a case of punitive action for misconduct committed after entry into service, but a case where the very entry stood vitiated because essential eligibility was sought to be established through false or unreliable documents. BIS also points out that the Petitioners were not terminated without notice. Detailed show cause notices were issued, replies were received, and only thereafter was action taken. BIS finally submits that the documents placed by the Petitioners later, especially those said to have been produced with the rejoinders, at best create disputed questions of fact, which cannot be satisfactorily adjudicated in writ proceedings.

Discussion and Reasons

13. The Court has considered the submissions advanced by the parties. The issue is whether the impugned action is so procedurally unfair, arbitrary, or legally untenable as to justify interference under Article 226 of the Constitution.

14. In the opinion of this Court, the answer is in the negative. First and



foremost, we must consider the nature of the requirement for appointment. As per the letters of appointment, the two years' practical experience in the relevant trade was not an ancillary condition, but an essential eligibility requirement for appointment to the post of Senior Technician. A candidate who did not possess that experience, or who failed to establish it through authentic material, was not eligible for appointment. Public employment cannot be sustained on the basis of sympathy once the foundational eligibility condition itself collapses. It is well settled that where the rules prescribe qualifications, the Court cannot overlook their absence on equitable considerations. In ***District Collector & Chairman, Vizianagaram Social Welfare Residential School Society v. M. Tripura Sundari Devi***,² the Supreme Court made it clear that a person lacking the requisite qualification has no enforceable right to hold the post.

15. The experience certificates in the present case were not mere supporting papers placed on record in aid of the application. They went to the root of eligibility. The claim of two years' practical experience, being an essential condition of appointment, rested substantially on those certificates. Once BIS, upon verification, found them to be false, materially unreliable, or incapable of establishing the experience claimed, the foundation on which the appointments stood necessarily gave way.

16. The Petitioners' first submission, namely, that BIS had already checked the originals at the time of appointment and therefore could not revisit them later, cannot be accepted. The appointment letters themselves reserved verification as a continuing condition of appointment. Initial scrutiny at the stage of selection or joining is not the same as field

² (1990) 3 SCC 655.



verification. If such a clause were to be rendered redundant once the candidate is permitted to join, the stipulation of verification would become illusory. A candidate who enters service under a provisional appointment expressly subject to verification cannot insist that the employer is forever bound by its initial scrutiny, even where later verification reveals that the certificate on which the claim rested was false or unacceptable.

17. The next submission of the Petitioners is that probation could not be used as a device to terminate them on allegations unrelated to performance in service. The premise, however, is misplaced. The impugned action is not founded on poor service performance. Nor is it a case where BIS, dissatisfied with work, camouflaged a punitive order as termination during probation. The issue here concerns the validity of entry into service itself. A candidate who enters public employment on the strength of false information or a false certificate stands on a different footing from a probationer whose performance or temperament is under assessment.

18. The Petitioners' reliance on Article 311(2) is also misconceived. BIS is a statutory body. The Petitioners are not members of a civil service of the Union, nor do they hold civil posts under the Union so as to attract Article 311 in the manner suggested. Even otherwise, the present case does not involve regular departmental punishment for misconduct committed during service. It concerns the withdrawal of a provisional appointment after verification disclosed that the foundational experience claim was false or unestablished. The constitutional and procedural rigour applicable to a disciplinary dismissal cannot be transplanted mechanically to such a case.

19. The argument founded on natural justice also does not carry the Petitioners further. BIS did not remove them behind their back. Separate



show cause notices dated 8th June, 2022 were issued to each Petitioner. The notices set out the precise issue relating to the experience certificate under doubt, the substance of the material findings that emerged during verification, and the proposed consequence. Replies were invited and submitted; BIS considered those replies and recorded that the same were not found satisfactory. In these circumstances, it cannot be said that the Petitioners were condemned unheard.

20. The Petitioners allege that the verification reports or underlying material were not fully disclosed to them; however, the essence of the material was clearly disclosed in the show cause notices themselves. More importantly, the Petitioners have not demonstrated any specific prejudice flowing from such alleged non-supply which could have altered the outcome. Their defence throughout has remained one of denial. They say the certificates were genuine; BIS says they were not. That dispute is not transformed into a violation of natural justice merely because the Petitioners desire a full-fledged evidentiary contest.

21. Pertinently, what the Petitioners effectively seek is a trial in writ jurisdiction on disputed facts. They invite the Court to determine whether the issuing establishments spoke truthfully to the BIS verification team, whether the later certificates or affidavits produced by the Petitioners deserve evidentiary weight, whether the attendance material was genuine, and whether the claimed engagement in fact took place for the entire period mentioned. Those are not issues which can be satisfactorily resolved on affidavits under Article 226. Once the employer has acted on verification, disclosed the substance of the material, sought an explanation, and then taken a decision, the writ court does not ordinarily embark on an evidentiary



retrial of such disputed questions.

22. That consideration becomes even stronger when the case is examined petition-wise. In Mohan Lal Dishania's case, BIS does not rely on a vague suspicion. It has been recorded that no such entity as M/s Vinayak Enterprises existed at the address mentioned in the certificate and that a different business was found operating there. The connected individual is stated to have admitted issuance of the certificate but failed to produce salary, attendance or similar records and is further recorded to have stated that personnel were engaged only as per requirement and not for continuous periods. In such a situation, BIS was clearly entitled to conclude that the certificate did not establish the essential two years' practical experience in the manner required for recruitment.

23. As regards the certificates issued by M/s Meena Electrical, Danalpur to Neeraj Kumar Jat and Shakti Singh Jat, Harkesh Meena, the issuer of the certificate stated that the letterhead was misused, that the certificates had not been issued by him, and that no person was ever engaged continuously for more than six months. In Shakti Aingh Jat's case, BIS has also pointed to a distinct irregularity concerning the ITI certificate and to the circumstance that a different experience certificate was furnished at different stages. Although the Court does not consider it necessary to rest the case on the ITI aspect alone, that additional feature does reinforce the case of BIS that the entry documents were not above doubt.

24. The Petitioners also argued that if the certificates were truly forged, BIS would have immediately pursued criminal proceedings. The point is factually weak and legally untenable. Factually, the counter affidavits disclose that BIS did address letters to the I.P. Estate Police Station after the



termination, requesting registration of FIR against the candidates concerned. Legally, service consequences do not depend on the pace or outcome of criminal proceedings. The question before the employer was not whether the Petitioners could at once be convicted of forgery in a criminal court, but whether the essential eligibility documents on the strength of which appointment had been secured could be accepted as authentic and reliable for public employment. Those are distinct inquiries, governed by different standards and directed to different ends.

25. Criminal prosecution addresses penal culpability. Verification by the employer addresses suitability, eligibility, and the integrity of entry into service. An employer is not required to await the outcome of criminal proceedings, or even to institute them as a condition precedent, before acting on material showing that the foundational documents furnished for appointment are false or materially unreliable. The absence of an FIR, therefore, does not validate the certificates, nor does it disable the employer from acting in the service domain.

26. The Petitioners' plea of hardship, though understandable at the human level, cannot alter the legal position. Public employment is governed by constitutional standards. When appointment to a public post is secured on the strength of false or unverified foundational material, the Court cannot direct retention merely because the consequence is harsh. Every such retention comes at the cost of the recruitment process itself and, potentially, at the cost of a genuinely eligible candidate.

27. The counter affidavits also place reliance on the DoPT Office Memorandum dated 19th May, 1993, which provides, in substance, that where it is found that a government servant was not qualified or had



furnished false information or produced a false certificate to secure appointment, he should not be retained in service and, if he is a probationer or temporary servant, he should be discharged or his service terminated. Even if that office memorandum is treated as executive guidance rather than the primary source of power, it accurately reflects a settled principle of service law. A person who gains entry into public employment by false foundational material cannot insist on retention merely because the falsehood surfaces after joining.

28. The distinction between a punitive termination for misconduct in service and discontinuance of a provisional appointee on account of a false foundational certificate is also well recognised. In cases of the latter kind, the law does not compel the employer to retain the employee and then undertake a full disciplinary trial to decide whether he was eligible in the first place. The falsity goes to the root of appointment. *In Union of India v. M. Bhaskaran*,³ the Supreme Court emphasised that fraud or falsehood in securing entry into public service vitiates the appointment itself and leaves no equitable basis for its protection.

29. It was also urged by the Petitioners that Clause 2 of the appointment letter required one month's notice or pay in lieu thereof and that the impugned orders violate that stipulation. This argument overlooks the structure of the appointment letter itself. Clause 2 governs the ordinary power to terminate a probationary appointment. Clause 12, however, is a specific stipulation dealing with a distinct situation altogether, namely, where upon verification the candidate's claim is found to be false, and it expressly contemplates termination in such circumstances. The present case



falls within that specific stipulation, not within the ordinary probation clause.

30. This Court is also unable to accept the submission that because the Petitioners were not found deficient in the discharge of their day-to-day duties during service, the impugned action must fail. Competent service after entry cannot cure a defective entry. If the essential qualification itself was established through false or unproved material, later satisfactory service does not legalise the appointment.

31. In view of the above, this Court finds no procedural infirmity of a degree warranting interference. The Petitioners were appointed provisionally. The experience requirement was essential. The appointment letters expressly made continuation subject to verification. The attestation forms carried an express undertaking against false information. BIS undertook field verification. Specific show cause notices were issued. Replies were received. Thereafter the appointments were terminated. On this material, the action cannot be described as arbitrary, perverse, or violative of natural justice.

32. It is clarified that this Court is not pronouncing on the criminal liability of any Petitioner or of any private person connected with the issuance of the certificates. Nor is this Court adjudicating finally upon the truth of any subsequent affidavit or supporting material said to have been obtained by the Petitioners after the impugned action. Those matters, if pursued, would belong to an appropriate forum where disputed facts can be tried. The only question here is whether BIS acted unlawfully in declining to continue persons whose essential experience certificates failed verification

³ Union of India v. M. Bhaskaran, 1995 Supp (4) SCC 100;



after notice and response. That question is answered against the Petitioners.

33. The writ petitions are accordingly dismissed. Pending applications, if any, also stand disposed of.

SANJEEV NARULA, J

MARCH 9, 2026

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