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

+ W.P.(C) 13349/2018

SHAH NAWAZ

.....Petitioner

Through: Mr. K.P Gupta, Advocate.

versus

THE MANAGER, DHANPATMAL VIRMANI SR. SEC. SCHOOL
AND ORS.

.....Respondents

Through: Mr. Abhishek Gautam, Advocate for
R-5.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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30.04.2026

1. The Petitioner applied for appointment to the post of TGT (Social Science) in Dhanpatmal Virmani Senior Secondary School, Roop Nagar, Delhi, a recognised Government aided school. Respondent No. 5, Ms. Siksha, was also one of the candidates for the said post. The Selection Committee conducted interviews on 26th August, 2017. The Managing Committee, in its meeting dated 30th August, 2017, approved the panel in which Respondent No. 5 was placed at Serial No. 1, the Petitioner at Serial No. 2 and Ms. Sapna Rani at Serial No. 3. Respondent No. 5 was thereafter appointed.

2. The Petitioner, aggrieved by that outcome, has approached this Court seeking two principal reliefs. He seeks, first, the quashing of the selection and appointment of Respondent No. 5 and, secondly, a direction that he be appointed to the post on the footing that he was the next candidate in the panel.

3. The Petitioner does not challenge the advertisement, the constitution of the Selection Committee, or the interview process as such. His case is that



Respondent No. 5 obtained 8 marks towards teaching experience on the strength of a forged and fabricated experience certificate. According to him, the certificate relied upon by Respondent No. 5 showed that she had worked in New Adarsh J.H. School, Binauli, District Baghpat, from 1st July, 2008 to 30th June, 2016 as a Primary/Assistant Teacher. Since the Directorate of Education order dated 26th February, 2014 provides one mark for each year of teaching experience, subject to a maximum of 10 marks, the Petitioner contends that the award of 8 marks materially altered the result.

4. The Petitioner's case rests primarily on an application dated 20th August, 2018 addressed by him to the District Basic Education Officer, Baghpat. On that application, an endorsement was made to the effect that the teaching experience certificate of Ms. Siksha was not countersigned from the office of the undersigned. On this foundation, the Petitioner argues that the certificate was invalid; that Respondent No. 5 could not have been awarded any marks for experience; and that, once those marks are excluded, the Petitioner would be entitled to appointment.

5. The Respondent School and other official Respondents dispute this foundation. Their stand is that the certificate annexed by the Petitioner as Annexure P-2 is not the same certificate which Respondent No. 5 had submitted at the stage of verification. Respondent Nos. 3 and 4 have placed on record what they describe as the original experience certificate as Annexure R-1. They also rely on the verification undertaken by the Directorate of Education. The Deputy Director of Education, District North, wrote to the District Basic Education Officer, Baghpat on 7th September, 2018 for verification of Respondent No. 5's certificate. The response dated 11th October, 2018 from the District Basic Education Officer, Baghpat



records that the teaching certificate sent for verification was certified by the then Block Education Officer, Binauli. On this basis, the Directorate has filed a short affidavit stating that the certificate was verified and was found genuine.

6. Respondent No. 5 has separately denied the allegation of forgery. Her stand is that she possessed the requisite qualifications and experience, that she was selected through a duly conducted selection process, and that her appointment cannot be unsettled on the basis of a disputed allegation raised by an unsuccessful candidate.

7. The issue, therefore, is not whether a candidate who enters service on a forged certificate can claim protection. Indeed, no such protection is available in law. However, the precise issue is whether this Court can, on the material before it and in exercise of writ jurisdiction, record a finding that Respondent No. 5's appointment rested on a forged or fabricated experience certificate. The record does not permit such a finding.

8. There are several reasons for this conclusion. First, the endorsement dated 20th August, 2018 does not, in itself, establish that the experience certificate was forged or fabricated. It merely records that the certificate was not countersigned from the office of the officer who made the endorsement. It does not state that Respondent No. 5 never worked in the Respondent School, nor does it assert that the school did not issue the certificate in her favour. There is no allegation of forgery of signature, seal, or endorsement. The endorsement is also silent on whether the certificate had been certified by the concerned Block Education Officer. The Petitioner, therefore, seeks to draw a conclusion from the endorsement which it does not, on its own terms, sustain.



9. Second, the subsequent verification obtained on a reference made by the Directorate of Education materially weakens the Petitioner's case. By letter dated 11th October, 2018, the District Basic Education Officer, Baghpat informed the Deputy Director of Education that the certificate forwarded by the Directorate had been certified by the then Block Education Officer, Binauli. The official Respondents have thereafter stated on affidavit that the certificate submitted by Respondent No. 5 at the stage of verification was not Annexure P-2; that Annexure R-1 was the original certificate; and that the experience certificate was verified and found genuine. Such an affidavit may not, in every case, conclude the issue; however, in the absence of clearer and more cogent material from the Petitioner, it cannot simply be disregarded.

10. Third, the Petitioner, in the rejoinders, asserts that both certificates are forged and that Respondent No. 5 never served in the Respondent School. He seeks production of attendance registers, salary registers, service book, teacher diary, records of salary payment and other school records. This is not a matter of mere clerical verification, but requires a factual enquiry into actual service, signatures, salary disbursement, school records and official certification, which exercise cannot be undertaken in the present writ proceedings in the manner suggested by the Petitioner.

11. The Supreme Court has repeatedly cautioned that disputed questions of fact which require evidence are ordinarily not suited for adjudication under Article 226 of the Constitution. The Court is conscious that this rule is not rigid, and a writ court may examine facts where the material is clear, admitted or capable of determination on undisputed documents. However, where the allegation is of forgery, and necessitates examination of school



registers, pay records, official seals, witnesses and departmental records, the Court would be slow to return a finding of fraud in exercise of writ jurisdiction.

12. The same restraint applies with added force in matters of selection. A Court exercising judicial review does not sit as an appellate selection authority. In ***Basavaiah v. H.L. Ramesh***,¹ the Supreme Court reiterated that courts must exercise care before interfering with the assessment made by duly constituted selection bodies. Interference is justified where the process is vitiated by illegality, *mala fides*, arbitrariness or breach of the governing rules. It is not justified merely because a rival candidate invites the Court to re-open the record on a contested factual allegation.

13. The Petitioner has not established any procedural illegality in the constitution of the Selection Committee, nor has he demonstrated that the marks were awarded in breach of the marking scheme on the basis of any admitted fact. His entire case depends upon the Court accepting that the certificate was forged. That conclusion cannot be drawn from the present material, particularly when the Directorate of Education has placed on record a verification from Baghpat which supports the genuineness of the certificate sent for verification.

14. In any event, even if Respondent No. 5's appointment were to be set aside, it would not automatically follow that the Petitioner must be appointed. In ***Shankarsan Dash v. Union of India***,² the Supreme Court held that mere inclusion in a select list does not confer an indefeasible right to appointment. This principle squarely applies in the present case. The

¹ (2010) 8 SCC 372.

² (1991) 3 SCC 47.



selection process in question was conducted in 2017, and Respondent No. 5 has been continuously serving in the position since then. The Petitioner, however, seeks not only the removal of a teacher who has already been serving for several years, but also his own appointment based solely on his inclusion in a panen; that was constituted several years ago.

15. It is well established that a select panel cannot be regarded as an inexhaustible source of appointments to be drawn upon indefinitely. In the case of *Rupinderjit Kaur v. Manager, Dhanpatmal Virmani Sr. Sec. School*,³ this Court addressed a similar recruitment dispute concerning the same school. The Court reiterated that placement in a merit list does not give rise to a vested right to appointment, and that an old select list should not be kept alive indefinitely for the purpose of making appointments.

16. The Court is conscious that allegations concerning forged educational or experience certificates cannot be treated lightly. Public employment, including appointment in aided schools, rests on trust in the integrity of the selection process. A candidate who enters service on a false certificate has no right to continue. However, suspicion is not proof. An allegation of this nature must rest on material of corresponding weight. The material placed by the Petitioner does not meet that standard.

17. The Petitioner's prayer for quashing Respondent No. 5's appointment therefore fails. The consequential prayer for his appointment also fails.

18. The petition is dismissed.

SANJEEV NARULA, J

APRIL 30, 2026/ab

³ W.P.(C) 9442/2018, decided on 12th July, 2023.