



2026:AHC:169852

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 25034 of 2004

Lal Bahadur Pathak

.....Petitioner(s)

Versus

State of U.P. and Others

.....Respondent(s)

Counsel for Petitioner(s)	:	B.C. Naik
Counsel for Respondent(s)	:	C.S.C.

Court No. - 34

(SN.10)

HON'BLE ANISH KUMAR GUPTA, J.

1. Heard Sri B.C. Naik, learned counsel for the petitioner and Sri Rajiv Gupta, learned Additional Chief Standing Counsel for the State.

2. The instant petition has been filed by the petitioner seeking quashing of the impugned order dated 11.06.2004, passed by the Executive Engineer, Nalkoop Division, Chandauli District, Varanasi, whereby the petitioner herein was removed from service with immediate effect on the allegations that the petitioner has obtained the appointment in the department by producing the forged mark-sheets and certificates.

3. Briefly stated facts of the case are the original petitioner, Lal Bahadur Pathak, who is now deceased and his LRs were brought on record vide order dated 23.02.2021, was initially appointed as Work-charge employee/Nalkoop Chalak on 04.11.1972 in Nalkoop Division, Varanasi. Thereafter, the petitioner has passed Madhyama examination in the year, 1981 from All India Religious Sanskritik Vidya Peeth, Varanasi. Thereafter, the petitioner applied for regular appointment on the post of Tube-Well Operator. Though he was selected,

however, the name of the petitioner was not recommended for appointment as Tube-Well Operator, as the qualification of Madhyama, which is possessed by the petitioner was not equivalent to the High School examination. Being aggrieved, the petitioner moved a representation before the authorities concerned.

4. Thereafter, vide letter dated 08.06.1984, the Executive Engineer, Nalkoop Division-2nd, Varanasi, has informed the Superintendent Engineer, Nalkoop Zone, Varanasi that the degree of Madhyama from the All India Religious and Spiritual Sanskritik Vidya Peeth is held to be equivalent to the High School by the DIOS and in this regard, the certificate of DIOS was also annexed by the Executive Engineer and the Executive Engineer has recommended the case of the petitioner for considering the appointment of the petitioner as regular Tube-Well Operator.

5. Again, the similar recommendations were made by the Executive Engineer on 06.07.1984 as well as on 19.07.1984. Thereafter, with the approval of the Superintendent Engineer on 19.07.1984, the petitioner was given appointment as a regular Tube-Well Operator in the Tube-Well Division, 1st Varanasi, vide appointment letter dated 31.07.1984. As such, the petitioner continued in service and later he was appointed as Gram Panchayat Vikas Adhikari in due course as the nomenclature of the Tube-Well Operator was changed as Gram Panchayat Vikas Adhikari.

6. Thereafter, on the basis of some complaints filed on 10.05.2010, a show-cause notice was issued to the petitioner, making out the allegation that the petitioner has obtained the appointment by submitting the forged documents and simultaneously, on 20.05.2002, an F.I.R. being Case Crime No. 114 of 2002 under Sections 419, 420, 467 and 468 I.P.C. was also lodged against the original petitioner. In response thereto, the petitioner has submitted his detailed reply on 02.01.2003,

wherein the petitioner has categorically stated that the petitioner has not submitted any forged document while securing the appointment and the petitioner has submitted the document i.e., mark-sheet & certificate from the All India Religious and Spiritual Sanskritik Vidya Peeth with regard to Madhyama, which he has passed from the said institute in the year 1981. Except the aforesaid mark-sheet and certificate no other documents were ever submitted by the petitioner for securing his appointment as Tube-Well Operator. However, the complaint, which has been filed against the petitioner was filed on the basis of some forged document, which has never been submitted by the petitioner at the time of his appointment as Tube -Well Operator. His appointment as the Tube-Well Operator was made in the year 1984, whereas the forged document which have been alleged against the petitioner which relates to the year 2000, issued by Sampurnanand Sanskrit Vishvidhyalay as the petitioner has never studied in Sampurnanand Sanskrit Vishvidhyalay, Varanasi in the year 2000 or 2001. Thus, there was no occasion for him to submit the said document of year, 2000 at the time of his appointment in the year, 1984 and nor the petitioner was appointed as Tube-Well Operator on the basis of the said document. The said document was forged by the complainant against the petitioner, with ulterior motives, which on inquiry by the respondents was found to be forged document. However, the said petitioner further claimed that since he has never submitted the said document, there was no question of taking note of the said document against the petitioner. Despite the submission of the aforesaid explanation by the petitioner, the services of the petitioner were terminated vide impugned order dated 11.06.2004. Being aggrieved, the instant petition was filed by the petitioner, who has now died and his Legal representatives were brought on record.

7. Learned counsel for the petitioner submits that the document, which is held to be a forged document on inquiry by

the respondents was never submitted by the petitioner at the time of securing the appointment, as the said document relates to the year 2000, wherein the petitioner was given appointment on the basis of the Madhyama certificate and mark-sheet issued to him in the year 1981 by the All India Religious and Spiritual Sanskritik Vidya Peeth. Since, the petitioner was appointed as Tube-Well Operator in the year 1984, there was no question of consideration of 2000 certificate at the time of his appointment. On the basis of the aforesaid forged document, which was submitted by the complainant, with ulterior motive, the services of the petitioner has been terminated, which cannot be sustained against the petitioner and the impugned order is liable to be quashed.

8. It is also apparent that during the pendency of the instant petition, a further order dated 14.06.2007 was also passed by the respondent whereby they have sought to recover the salary paid to the petitioner due to such appointment. The said order dated 14.06.2007 was stayed by this Court vide order dated 12.10.2007.

9. Learned Additional Chief Standing Counsel for the State has failed to point out that the said document, which has been relied upon against the petitioner, has ever been tendered by the petitioner for securing his appointment in the year 1984 and otherwise also, there is no question of submitting a document of 2000 in the year 1984 for securing the appointment.

10. In such view of the matter, the impugned order is wholly illegal and the impugned order has been passed without conducting the inquiry to the fact that whether the said document of 2000 was ever submitted by the petitioner at the time of securing the appointment, which is otherwise also logically not possible to have been submitted by the petitioner in the year 1984, as the document in question relates to the year 2000, issued by Sampurnanand Sanskrit Vishwavidyalaya, which had been found to be forged.

11. It is further submitted by learned counsel for the petitioner that the impugned order dated 11.06.2004 was passed by the respondent just two months prior to his retirement to avoid the pensionary benefits and other consequential benefits available to the petitioner.

12. In such view of the matter, the impugned order is unsustainable and the same is illegal and baseless. Accordingly, the impugned order dated 11.06.2004 is hereby **set-aside**. The order dated 14.06.2007 is a consequential order, whereby the respondents have sought to recover the salary paid to the petitioner. Once the order dated 11.06.2004 itself has been set-aside, the consequential order dated 14.06.2007 is also hereby **set-aside**.

13. The legal heirs of the petitioner shall be entitled to all the retirement dues, pensionary benefits as well as salary for the remaining period in service of the petitioner prior to his retirement. The amount so determined to be payable to the substituted petitioners shall be divided equally in the substituted petitioners and the same shall be paid within eight weeks from the date of production of certified copy of this order. The aforesaid amount determined to be paid to the the petitioner shall also carry interest at the rate of 8% per annum from the date of termination of the petition till the date of actual payment.

August 12, 2026

Shubham Arya

(Anish Kumar Gupta,J.)