



2026:AHC:145717-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

SPECIAL APPEAL No. - 301 of 2014

State of U.P. and others

.....Appellant(s)

Versus

Ranveer Singh

.....Respondent(s)

Counsel for Appellant(s)	: Pankaj Rai A.c.s.c.
Counsel for Respondent(s)	: Narendra Kumar Maurya, P.k. Chauhan, R.a. Verma, Yogendra Kumar

A.F.R.

Reserved on:13.05.2026

Delivered on: 17.07.2026

In Chamber

**HON'BLE ATUL SREEDHARAN, J.
HON'BLE VIVEK SARAN, J.**

(Per:Hon'ble Vivek Saran, J.)

1. Heard Sri Abhishek Kumar Srivastava, learned Additional Chief Standing Counsel for the appellant and Sri V.K. Singh, learned Senior Counsel assisted by Sri Narendra Kumar Maurya, Advocate

by which the learned Single Judge has quashed the termination order dated 28.11.2007 of the petitioner and has directed the respondent/appellant to give him continuity in service alongwith all other benefits including the seniority and arrears of salary.

3. Brief facts of the case are that the petitioner was appointed as *Bandi Rakshak* on 08.08.1992 under the reserved category of 'Scheduled Tribe' and thereafter he worked till the year 2007 when certain incumbents on strength of forged orders sought change of their Division. The then Director General, Jail Administration and Services, U.P. vide his letter dated 02.07.2007 directed physical verification of all the documents which had been submitted by the incumbents in *Bandi Rakshak* category at the time of entering into services to be verified. Thereafter the documents including the caste certificate of the petitioner by which reservation to the post was claimed were verified. The District Magistrate, Lucknow vide his communication dated 11.07.2007 informed that no such caste certificate was issued by the concerned officer to the petitioner but inadvertently in the said letter it was mentioned as 'Scheduled Caste' instead of 'Scheduled Tribe' which was corrected vide corrigendum letter dated 19.07.2007. Thereafter, the caste of

District Magistrate informed on the basis of the report of the Tehsildar, Bhogaon dated 13.08.2007 that in the aforesaid village no person belonging to 'Lodh' caste resided and the petitioner was 'Lodhi' by caste. Once it was ascertained that the caste certificate was a forged and fabricated document then the respondent no.3 vide notice dated 01.08.2007 called upon the petitioner explaining his conduct of entering in services by playing fraud. The petitioner, however vide reply dated 12.08.2007 sought further time but thereafter did not appeared in the proceeding inspite of opportunity of personal hearing being afforded vide letter dated 28.11.2007 and publication of notice in the daily newspaper '*Dainik Jagran*' finally by order dated 28.11.007 passed by Senior Superintendent, Mandal Karagar, Moradabad, the petitioner was dismissed from service. And the appellant/respondent also lodged an FIR dated 25.07.2007 being Case Crime No.1289 of 2007 under Sections 420, 468, 467, 471 IPC at Police Station Civil Lines Sadar, District Moradabad. The petitioner/respondent approached this Court by filing a writ petition with following relief(s):

"a) issue a writ, order or direction in the nature of certiorari quashing the order dated 28.11.2007 passed by the Senior Superintendent, Mandal Karagar, Moradabad/Appointing Authority/Respondent No.3.

4. The learned Single Judge in his judgment has proceeded to hold that as the petitioner was appointed as '*Bandi Rakshak*' vide order dated 08.08.1992 and therefore, proceeding being taken up after 15-16 years were unwarranted. The learned Single Judge further held that the alleged misconduct of the petitioner was while entering into the service, therefore, it was not a misconduct during his service and the action of the State without following proper procedure like issuance of chargesheet and disciplinary proceedings was contrary to law and no action against him could have been taken only on a show cause notice dated 01.08.2007. Learned Single Judge has further proceeded to hold that the petitioner belong to 'Lodhi' caste and 'Lodh' and 'Lodhi' are synonyms to each other as there was nothing on record to demonstrate otherwise, therefore the petitioner belonged to 'Scheduled Tribe' thereby was entitled of benefit of reservation.

5. Submission of the learned counsel for the appellant before this Court in appeal is that the petitioner was appointed as *Bandi Rakshak* vide order dated 08.08.1992 by a special drive taken up for the Scheduled Castes and Scheduled Tribes. He submits that for claiming the benefit of reservation in employment, the petitioner

verification was found to be forged and fabricated, as not been issued by any Authority. He further submitted that once the caste certificate of the petitioner was found to be forged then the petitioner had no right to hold the post of *Bandi Rakshak* as he has sought appointment by playing fraud and it is settled law that fraud vitiates all solemn acts. He further submitted that the petitioner has not challenged the order/report by which caste certificate of the petitioner/respondent was found to be forged and fabricated before any court and is had attained finality and under such circumstances the dismissal order, impugned by the petitioner was absolutely justified. He further submits that neither the delay in getting the verification of records will not *ipso facto* extinguish the right of the respondents to verify the records submitted by the petitioners/respondents for procuring the appointment nor would operate as an estoppel. He further submitted even otherwise, limitation would run from the time fraud played by the petitioners came to be known. He further submitted that the learned Single Judge had traveled beyond its jurisdiction by adjudicating the issue of caste and holding that 'Lodhi' and 'Lodh' caste are synonyms and were a scheduled tribe, as the learned Single Judge while

6. *Per contra*, the learned Senior Court representing the petitioner/respondent had with vehemence submitted that the finding returned by the learned Single Judge are based on cogent reasons and do not require any inference in appeal. He further submits that the petitioner had already worked for a substantial length and any action would be determined in his interest.

7. Heard the rival contentions of the learned counsel for the parties and perused the record.

8. The sole issue before this Court in the appeal is as to whether a detailed disciplinary enquiry was required to be conducted prior to passing of the order of dismissal of the petitioner from service?

9. It is not in dispute that the petitioner was appointed on 08.08.1992 under the 'Scheduled Tribe' category by the respondents. The petitioner thus in order to seek benefit of reservation must establish that he belonged to scheduled tribe or otherwise would be ineligible for the post.

10. It is also not in dispute that the outcome of verification of the caste certificate of the petitioner as communicated vide letter dated 11.07.2007 of the District Magistrate, Lucknow and the

corrigendum letter dated 10.07.2007 and also the outcome of

have become final. In the writ petition the only relief prayed was for quashing of the order dated 28.11.2007 by which the petitioner was dismissed from service.

11. Before this Court in the writ petition, the petitioner/respondent had denied submission of the caste certificate. This stand before this Court may have been taken by the writ petition in order to nullify the effect of the verification of his caste certificate. From the record this Court finds that the petitioner/respondent by letter dated 22.06.2007 to the Senior Superintendent, District Jail, Moradabad had stated that he belonged to 'Lodh' caste, also called as 'Lodhi' and which is scheduled tribe and requested the Authority to consider it and to ignore the caste certificate issued by Tehsildar, Lucknow. The relevant extract of letter of petitioner/respondent is reproduced below:

“अतः श्रीमान जी से निवेदन है कि प्रार्थी के द्वारा भेजे गये तहसील भोगाँव जिला मैनपुरी द्वारा जारी प्रमाण पत्र को ही मान्यता दी जाये और पूर्व मे जारी नगर लखनऊ तहसील द्वारा प्रमाण पत्र को मान्यता न दी जाये तथा यदि प्रार्थी के विरुद्ध कोई कार्यवाही की जाये तो उसे प्रार्थी को पूर्व में लिखित रूप में सूचित करने की कृपा करें।”

12. And even in reply dated 12.08.2007 of the petitioner there is no categorical denial of the submission of the caste certificate by the

by the petition, no benefit of reservation could have been claimed or given in public employment. Learned counsel for the petitioner/respondent has not been able to show any such rule or authority to the effect that the petitioner/respondent could have claimed the benefit of reservation in public employment without submitting a caste certificate. Thus, the denial by the petitioner before this Court of not having submitted the caste certificate cannot be accepted.

14. The inevitable consequence on finding the caste certificate as forged and fabricated document (as not being issued by the authority) would be that the petitioner had played fraud in securing the appointment under the reserved category and he would be ineligible to the post and the appointment order dated 08.08.1992 would be an illegal order.

15. It is settled law that fraud vitiates all solemn acts and therefore, the appointment so sought by the petitioner on the basis of fraud becomes *void ab initio* and *non-est*. Any order which is *de-hors* the constitutional provision is an illegal order.

16. Hon'ble Supreme Court inre: **United India Insurance Co. Ltd. v. Rajendra Singh**¹ reiterated that fraud unravels everything and

“no judgment of a Court, no order of a Minister can be allowed to stand if it has been obtained by fraud, for, fraud unravels everything.....”

17. The Hon’ble Supreme Court *inre: Union of India and others v.*

Prohlad Guha² has held that fraud is established by the conduct of the person committing it, which may be evidenced through words.

It has been further held by the Hon’ble Supreme Court in **Union of India (Supra)** that once a post is held by playing fraud then the incumbent would not be said to be holding a post within the meaning of Article 311 of the Constitution of India. Relevant paragraph of the judgment is as follows:

“20. Fraud and collusion vitiate even the most solemn proceedings in any civilised system of jurisprudence. It is a concept descriptive of human conduct. Michael Levi likens a fraudster to Milton's sorcerer, Comus, who exulted in his ability to, ‘wing me into the easy-hearted man and trap him into snares’. It has been defined as an act of trickery or deceit. In Webster's Third New International Dictionary fraud in equity has been defined as an act or omission to act or concealment by which one person obtains an advantage against conscience over another or which equity or public policy forbids as being prejudicial to another. In Black's Legal Dictionary, fraud is defined as an intentional perversion of truth for the purpose of inducing another in reliance upon it to part with some valuable thing belonging to him or surrender a legal right; a false representation of a matter of fact whether by words or by conduct, by false or misleading allegations, or by concealment of that which should have been disclosed, which deceives and is intended to deceive another so that he shall act upon it to his legal injury. In Concise Oxford Dictionary, it has been defined as criminal deception, use of false representation to gain unjust advantage; dishonest artifice or trick. According to Halsbury's Laws of England, a representation is deemed to have been false, and therefore a misrepresentation, if it was at the material date false in substance and in fact. ...From dictionary meaning or even otherwise fraud arises out of deliberate active role of representator about a fact which he knows to be untrue yet he succeeds in misleading the representee by making him believe it to be

in exercise of jurisdiction which otherwise would not have been exercised. That is misrepresentation must be in relation to the conditions provided in a section on existence or non-existence of which power can be exercised.”

13.1 The words of Denning L.J. in *Lazarus Estates Ltd. v. Beasley* are of importance qua the impact of fraud. He wrote – “.....I cannot accede to this argument for a moment. No Court in this land will allow a person to keep an advantage he has obtained by fraud. No judgment of a Court, no order of a Minister, can be allowed to stand if it has been obtained by fraud. Fraud unravels everything. The Court is careful not to find fraud unless it is distinctly pleaded and proved; but once it is proved, it vitiates judgment, contract and all transactions whatsoever....”

13.2 ‘Fraud’ is conduct expressed by letter or by word, inducing the other party to take a definite stand as a response to the conduct of the doer of such fraud. [See; *Derry v. Peek*; *Ram Preeti Yadav v. U.P. Board of High School of Intermediate Education*]

13.3 In *R. Vishwanatha Pillai v. State of Kerala & Ors.*, a Bench of three learned Judges observed that a person who held a post which he had obtained by fraud, could not be said to be holding a post within the meaning of Article 311 of the Constitution of India. In this case, a person who was not a member of Scheduled Castes, obtained a false certificate of belonging to such category and, as a result thereof, was appointed to a position in the Indian Police Service reserved for applicants from such category.

14. The above discussion reiterates that fraud vitiates all proceedings. Compassionate appointment is granted to those persons whose families are left deeply troubled or destitute by the primary breadwinner either having been incapacitated or having passed away. So when persons seeking appointment on such ground attempt to falsely establish their eligibility, as has been done in this case, such positions cannot be allowed to be retained. So far as the submission of non-compliance of the Rules is concerned, the judgment in *Vishwanatha Pillai* (supra) answers the question. The respondent-employees in the present case, having obtained their position by fraud, would not be considered to be holding a post for the purpose of the protections under the Constitution. We are supported in this conclusion by the observations made in *Devendra Kumar v. State of Uttaranchal*¹⁸. In paragraph 25 thereof it was observed –

“25. More so, if the initial action is not in consonance with law, the subsequent conduct of a party cannot sanctify the same. *Sublato fundamento cadit opus* — a foundation being removed, the superstructure falls. A person having done wrong cannot take advantage of his own wrong and plead bar of any law to frustrate the lawful trial by a competent court. In such a case the *legal maxim nullus commodum capere potest de injuria*

(Emphasis supplied)

18. The Hon'ble Supreme Court inre: **Vishwanatha Pillai v. State of Kerala & Ors.**³ (2004) 2 SCC 105 has held that once a post is held by playing fraud then the incumbent would not be said to be holding a post within the meaning of Article 311 of the Constitution of India. Relevant paragraph no.15 of the judgment is quoted hereunder:

“This apart, the appellant obtained the appointment in the service on the basis that he belonged to a Scheduled Caste community. When it was found by the Scrutiny Committee that he did not belong to the Scheduled Caste community, then the very basis of his appointment was taken away. His appointment was no appointment in the eyes of law. He cannot claim a right to the post as he had usurped the post meant for a reserved candidate by playing a fraud and producing a false caste certificate. Unless the appellant can lay a claim to the post on the basis of his appointment he cannot claim the constitutional guarantee given under the Article 311 of the Constitution. As he had obtained the appointment on the basis of a false caste certificate he cannot be considered to be a person who holds a post within the meaning of Article 311 of the Constitution of India..... ”

19. A similar view was also taken by the Hon'ble Supreme Court inre: **State of Chhattisgarh and others vs. Dhirjo Kumar Sengar**⁴. The relevant observations are in paragraph 19 of the judgment which is as follows:

“19. The respondent keeping in view the constitutional scheme has not only committed a fraud on the Department but also committed a fraud on the Constitution. As commission of fraud by him has categorically been proved, in our opinion, the principles of natural justice were not required to be complied with.”

20. In the case in hand the petitioner has not obtained a valid

21. The respondents issued notice dated 01.08.2007 to the petitioner to submit his explanation. The petitioner/respondent in response to the same submitted his reply dated 12.08.2007 wherein he stated to belong to 'Lodhi' caste which in Mainpuri is a scheduled tribe and requested to drop the proceedings and also stated that a full fledged inquiry be conducted and he be given all documents but did not categorically replied to the show cause notice. Thereafter again by notice dated 19.10.2007 another notice was issued attending personal hearing to the petitioner fixing 06.11.2007, this letter was issued on 24.10.2007 but he did not come. Thus given a last opportunity to the petitioner/respondent a notice was got published in the local daily Dainik Jagran, in its Moradabad and Agra Editions on 17.11.2007 and 18.11.2007 respectively indicating the date fixed as 23.11.2007 at 11 AM. However, the petitioner did not respond and consequently on 23.11.2007 the order impugned was passed. There was no requirement to initiate any departmental disciplinary proceedings prior to passing of the order as the appointment order dated 08.08.1992 being an illegal order.

22. Further the question regarding delay in getting the verification itself cannot be detrimental or have not an impact on the issue of

although no verification of records of the petitioner were not conducted in the year 1992 that is while entering into service but subsequently in the year 2007 when other forged documents regarding transfer were furnished, the Director General directed verification of the records and such a verification of records belatedly cannot validate a fraud committed by the petitioner.

23. Hon'ble Supreme Court inre: **State of Bihar v. Devendra Sharma**⁵ while dealing with issue of entitlement of salary and other benefits to an incumbent whose appointment is found to be obtained by fraud approving the Full Bench decision of Patna High Court vide its paragraph no.37 has held that:

“37) Such judgment of the Full Bench was approved by three Judge Bench of this Court in a Judgment reported R. Vishwanatha Pillai v. State of Kerala & Ors.((2004) 2 SCC 105: 2004 SCC (L & S) 350. This Court held as under:

“17. The point was again examined by a Full Bench of the Patna High Court in Rita Mishra v. Director, Primary Education (1987 SCC OnLine Pat 159). The question posed before the Full Bench was whether a public servant was entitled to payment of salary to him for the work done despite the fact that his letter of appointment was forged, fraudulent or illegal. The Full Bench held:

“13. It is manifest from the above that the rights to salary, pension and other service benefits are entirely statutory in nature in public service. Therefore, these rights, including the right to salary, spring from a valid and legal appointment to the post. Once it is found that the very appointment is illegal and is non est in the eye of the law, no statutory entitlement for salary or consequential rights of pension and other monetary benefits can arise. In particular, if the very appointment is rested on forgery, no statutory right can flow from it.”

24. In view of the aforesaid discussion this Court is of the

as not being challenged before any forum. The order of appointment dated 08.08.1992 is illegal and non-est and the respondent/appellant have rightly adopted the procedure of issuing notice to the petitioner/respondent to show cause, prior to passing the order impugned. The issue is thus decided accordingly.

25. We find force in the submission of the learned Standing Counsel that the learned Single Judge who was having jurisdiction of 'service matters' has exceeded his jurisdiction by entering into the classification of caste *vis-a-vis* 'Lodhi' and 'Lodh' and thereafter holding both as synonyms and entitling the petitioner to seek benefit of reservation.

26. With due regards we find that the judgments relied up by the learned Single Judge are not applicable in the facts of case of the petitioner/respondent, as his appointment was obtained by practicing fraud.

27. Thus in view of the aforesaid discussions, appeal succeeds and is **allowed**. The judgment and order 01.07.2008 passed by the learned Single Judge in Civil Misc. Writ Petition No.585 of 2008 (Ranveer Singh v. State of U.P. and others) is hereby set aside and the writ petition is accordingly, dismissed. The order impugned

therefore the salary and other emoluments already paid to the petitioner, pursuant to his working, shall not be recovered.

(Vivek Saran,J.) (Atul Sreedharan,J.)

July 17, 2026
Deepika