

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA****CWP No.9981 of 2023****Decided on: 23.04.2026**

Sh.Devinder Singh

... Petitioner

Versus

State of Himachal Pradesh and others

... Respondents

Coram***Hon'ble Mr. Justice Ajay Mohan Goel, Judge.*****Whether approved for reporting?¹**

For the petitioner:

Mr. Anil Chauhan, Advocate.

For the respondents:

Mr. Pushpinder Jaswal, Additional Advocate General and Ms. Leena Guleria, Deputy Advocate General, for respondents No.1 to 5-State.

Mr. Rajat Kumar, Advocate, for respondent No.6.

Ajay Mohan Goel, Judge (Oral)

By way of this petition, the petitioner has, *inter alia*, prayed for the following reliefs:-

"i. That this Hon'ble court may be pleased to issue the writ in the nature of certiorari or any other appropriate writ order or direction quashing and setting aside the impugned Annexure P-1 and P-4, whereby the appointment of the petitioner has been rendered invalid for the post of multitask worker and the certificate of 5th standard of the petitioner maybe held genuine and valid.

ii) That the cost of the writ petition may be granted in favour of the petitioner and against the respondents."

2. Annexures P-1 and P-4 are the orders passed by the Appellate Authorities. In terms of Annexure P-1, the appeal filed against the appointment of the petitioner as a Multi Task Worker by

¹ Whether reporters of the local papers may be allowed to see the judgment?



the private respondent was allowed by the 1st Appellate Authority. In terms of Annexure P-4, the Appeal filed by the present petitioner against the order passed by the 1st Appellate Authority was dismissed by the 2nd Appellate Authority.

3. The challenge to the appointment of the petitioner as a Part Time Multi Task Worker was, *inter alia*, on the ground that he had submitted a false and forged certificate of Primary/Middle Class during the selection process.

4. In terms of the orders passed by the Authorities, concurrent findings have been returned to the effect that the petitioner in fact had not even appeared in the 5th Class examination in terms of the record produced before the said Authorities.

5. During the pendency of this petition, on 23.10.2024, this Court has passed the following order:-

“Heard for some time. As the dispute involved in this case is whether the petitioner indeed undertook the 5th Class examination or the marks certificate which has been submitted by him qua his 5th Class Examination is false and forged, as agreed by the learned counsel for the petitioner as well as the private respondent, Secretary Education is directed to forthwith hold an inquiry with regard to the veracity of the 5th Class Examination Certificate of the petitioner. The inquiry be conducted by Secretary Education personally by adhering to the principles of natural justice. Inquiry be conducted and completed within a period of four weeks from today.



Report thereof be filed in the Court before the next date of hearing.

Learned Additional Advocate General to ensure that the order passed by the Court is forthwith intimated to the Secretary Education, so that, necessary inquiry can be conducted by the Secretary concerned.

At this stage, the statement of learned counsel appearing for the petitioner is recorded that the petitioner has not appeared in the 8th Class Examination, in other word, he has not passed 8th Class.

List on 09.12.2024.”

In compliance thereto, the Inquiry Report was filed by the Secretary (Education), Himachal Pradesh, on 26.12.2024, final conclusions arrived at wherein are quoted hereinbelow:-

“Findings:

From the above, I am of the considered opinion that it cannot be proved that the petitioner Sh. Devinder Singh, son of Sh. Dhani Ram is the same person who appeared in the examination of 5th Class held during December, 2003 as a Private candidate in GPS Jubbar under Education block Chopal. It can, therefore, not be established that he passed the said examination with 204 marks, Thus, the veracity of 5th Class Certificate produced by Sh. Devinder Singh during selection process of PTMTW is not established.”

6. This Court is of the considered view that as there are seriously disputed questions of fact involved in this petition, the issues raised therein cannot be decided under Article 226 of the Constitution of India. This is more so in light of the Inquiry Report



submitted by the Secretary (Education), Himachal Pradesh. The contention of the petitioner is that he passed 5th Class Examination and did not appear in 8th Class Examination at all. Reports on record are to the contrary. In these circumstances, obviously these issues will have to be decided by a Court wherein parties can lead evidence to substantiate their respective contentions and stand.

7. Therefore, in light of above observations, this petition is disposed of with liberty to the petitioner that if so advised, he may approach the Civil Court with regard to the issues raised in this petition. Interim order, if any, stands vacated. Pending miscellaneous application(s), if any also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

April 23, 2026
(Rishi)