

**IN THE HIGH COURT OF HIMACHAL PRADESH AT
SHIMLA**

**CWP No. 2908 of 2021
Decided on : 28.02.2026**

Sandeep Kumar

...Petitioner

Versus

Himachal Pradesh State Electricity Board Ltd. and others

...Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

Whether approved for reporting?¹ Yes

For the petitioner : Ms. Archana Dutt, Advocate.

**For the respondents : Mr. Anil Kumar, Advocate, for
respondents No.1 & 2.**

**Mr. Kunal Thakur, CGC, for
respondent No.3.**

**Ms. Anjali Soni Verma, Advocate, for
respondent No.4.**

Ajay Mohan Goel, Judge (*Oral*)

By way of this writ petition, the petitioner has challenged the termination of his services by respondent No.1, in terms of order dated 22.04.2021 (Annexure P-9).

2. Brief facts necessary for the adjudication of this petition are that as per the petitioner, he passed his

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

matriculation from Central Board of Higher Education, New Delhi, in the year 2010. A copy of his matriculation certificate is appended with the petition as Annexure P-1. The petitioner applied for the post of Junior T/Mate in response to an advertisement issued by respondent No.1 i.e. Advertisement No. 2/2020, dated 04/06/2020. To cut the matter short, pursuant to the participation of the petitioner in the said process, he was declared as a successful candidate having secured 78.80 marks. His overall merit was 52. The petitioner was offered appointment vide Annexure P-5, dated 08.03.2021. He joined the service in terms of Annexure P-6, dated 16.03.2021.

3. Vide Annexure P-7, dated 08.04.2021, the petitioner was informed by the Senior Executive Engineer, Electrical Division, Jubbal that due to some discrepancy noticed in his documents, the complete case was forwarded to the competent Authority for further decision in the matter and it was intimated that in his application for the post of Junior T/Mmate (contract), the petitioner in column No.14 had mentioned that he had passed matriculation examination from the Central Board of Higher Education, New Delhi during the year 2010 and at the

time of verification of documents for the said post, the petitioner had produced the matriculation certificate issued by the Central Board of Higher Education, New Delhi. It was further mentioned in this communication that upon scrutinizing the certificate, it was discovered by the competent higher Authority that Central Board of Higher Education, New Delhi was listed as a fake Board and was not recognized by the Himachal Board of School Education, Dharamshala. It was also mentioned in this communication that in light of the said fact, his provisional joining in the Division could not have been accepted and a show cause was, therefore, issued to the petitioner to explain his position within seven days.

4. In his reply (Annexure P-8), the petitioner stated that he had passed his matriculation examination from the Central Board of Higher Education, New Delhi and there was no notification in writing issued by the State Government or HPSEBL that the said Board was a fake Board. The petitioner made a request that the Department should clear the scenario regarding the Educational Boards of other States, which were being considered or not considered for appointment.

5. Not being satisfied by the explanation given by the petitioner, in terms of Annexure P-9, dated 22.04.2021, the services of the petitioner were terminated by assigning the following reasons:-

"Apropos to show cause notice to you vide above referred letter of this office where in you were given opportunity to explain your position this has received your reply vide letter No. NIL dated 12-4-2021. Regarding your claim that the "Central Board of Higher Education Delhi" has not been listed as fake board in any government endorsed publication/website, it is informed that the said board has been listed as fake board on the website of Himachal Pradesh Board of School Education and has been notified to the general public and concerned vide the Secretary, HPBOSE Dharamshala office notification endorsement No. H.S.B. (2) GEN/208/Euavelant/ item 26(11)/2015-1821-60 dated 5-3-2015 (copy enclosed).

Keeping in the view the above facts, and in absence of any substantial/documentary proof of affiliation of "Central Board of Higher Education Delhi" with any government entrusted bodies, for School Education, propose your provisional joining in this

Division is hereby rejected and offer of appointment as Jr. T-mate (Contact) offered to you, stands terminated without any further notice. Further course of action if required will be initiated in consultation with appropriate higher authority of HPSEBL.”

6. Learned counsel for the petitioner argued that the termination of the petitioner was unsustainable in the eyes of law. She argued that the Central Board of Higher Education, New Delhi from where the petitioner had done his course, was a duly recognized Board and the Himachal Pradesh Board of School Education had no authority in law to declare that the same was not recognized etc. Learned counsel further submitted that in the absence of there being any cogent material on the record to demonstrate that the Central Board of Higher Education, New Delhi was not a legally recognized Board to either admit students to undergo matriculation or issue matriculation certificates, the act of respondent No.1 terminating the services of the petitioner is highly arbitrary and discriminatory. Learned counsel further argued that the petitioner was selected on the basis of his hard work and also on the strength of the technical qualification possessed by him

and it was not as if the petitioner was offered appointment simply on the basis of the matriculation certificate. She accordingly submitted that as the termination of the service of the petitioner was totally unsustainable in the eyes of law, the present petition be allowed and impugned order be set aside and respondents be directed to continue the service of the petitioner from the date when his services were terminated, with all consequential benefits.

7. On the other hand, learned counsel appearing for respondent No.1, 2 and respondent No.3, respectively, argued that there was no arbitrariness in the act of respondent No.1 for the reason that as the petitioner had obtained appointment on the strength of a certificate which was procured from a Board which had no legal existence, the service of the petitioner was rightly terminated by respondent No.1.

8. Learned counsel referred to the advertisement dated 04.06.2020 (Annexure P-3) and submitted that it is not as if the petitioner was offered appointment only on the basis of the technical qualification. They submitted that a perusal of the advertisement demonstrates that 60 marks were to be awarded

on pro rata basis on the basis of the marks obtained by a candidate in the matriculation examination and, therefore, the matriculation examination was a very material examination and it is not as if the passing of this examination had no relevance as far as appointment to the post is concerned. Learned counsel referred to the documents appended with the reply of respondent No.4, i.e., Annexure R-4/A and Annexure R-4/B and submitted that in terms of Annexure R-4/A, Directorate of Education, Government of National Capital Territory of Delhi, as far back as on 29.01.1999, had issued a public notice that private institutions mentioned therein were awarding certificates of 10+2 examinations and students and their guardians were advised to note that these institutions were not listed amongst accredited Boards/institutions in the country and certificates awarded by the said institutions were not recognized by the competent Authority. Learned counsel submitted that this included the Central Board of Higher Education, East Patel Nagar, New Delhi and Central Board of Higher Education, Uttam Nagar, New Delhi. Learned counsel, thereafter, referred to Annexure R-4/B, which is a notification dated 16.03.1999

issued by the H.P Board of School Education and submitted that even in terms of this notification, the Central Board of Higher Education, East Patel Nagar, New Delhi and Central Board of Higher Education, Uttam Nagar, New Delhi, were not recognized by the H.P Board of School Education. Learned counsel further submitted that in light of the fact that the Directorate of Education, Government of National Capital Territory of Delhi, had categorically stated in terms of the public notice that the Board from which the petitioner had obtained the matriculation certificate was not recognized by the competent Authority, the matriculation certificate of the petitioner was non est in the eyes of law and as the petitioner had obtained the job on the strength of a matriculation certificate which did not have any validity, the termination of the service of the petitioner cannot be faulted with.

9. Learned counsel for the petitioner in rebuttal submitted that Annexure P-10, appended with the petition, which was notification, dated 05.03.2015, issued by the H.P Board of School Education, is to be construed to be prospective in nature and because the petitioner had done his matriculation

before the said date, the same can have no effect on the certificate of the petitioner. She further argued that in terms of Annexures R-4/A and Annexure R-4/B, the Central Board of Higher Education referred therein were the ones in East Patel Nagar and Uttam Nagar, whereas the petitioner had not done his matriculation from either of these two places.

10. I have heard learned counsel for the parties and have carefully gone through the pleadings as well as the documents appended therewith.

11. The facts as have been narrated hereinabove as to how the petitioner was offered appointment are not much in dispute, therefore, I shall not be repeating them.

12. The moot issue which this Court has to decide is as to whether the termination of the service of the petitioner by the Electricity Board, in the peculiar facts of the case, is justified or not.

13. The advertisement to which the petitioner responded for appointment as a Junior T/Mate demonstrates that the merit of the candidate was to be evaluated out of 100 marks as provided in column No.4 thereof, which *inter alia*

included 60 marks under the Head "Marks Obtained in Matric to be awarded on pro rata basis". The above demonstrates that the matriculation certificate was a prime consideration for appointment of a candidate and assessing the eligibility of the candidate for the appointment against the post and the marks obtained in the said certificate were determinative to the extent of 60 marks, though on pro rata basis. Therefore, here it was not as if matriculation was just a qualification to be possessed by the candidate which otherwise was to have no relevance while assessing the merit of the candidate.

14. Annexure P-1 is the matriculation certificate that has been obtained by the petitioner from the Central Board of Higher Education, New Delhi, in the year 2010. Now, incidentally, a perusal thereof demonstrates that the petitioner had secured 483 marks out of 600, which takes the percentage of the marks obtained by the petitioner to be 80.5%. This certificate does not contain the address of this Central Board of Higher Education, New Delhi, but a perusal of the memo parties demonstrates that the address of respondent No.5, as has been mentioned by the petitioner is of Uttam Nagar, New

Delhi. The address of respondent No.5, as mentioned in the memo parties, is quoted hereinbelow:-

*“5. The Central Board of Higher Education, WZ-166
Block C Gali No. 61 Vachspati Bhawan, Landmark Metro
Pillar No. 671 Near Arya Samaj Road, Uttam Nagar, New
Delhi-110059, through its General Secretary.”*

15. In light of this fact, the contention of the learned counsel for the petitioner that the Central Board of Higher Education, New Delhi, from which the petitioner obtained his matriculation examination, is not the one which finds mention in Annexure R-4/A and Annexure R-4/B, cannot be accepted. As it is the own holding out of the petitioner in terms of the address of respondent No.5 that Central Board of Higher Education, New Delhi, is the one at Uttam Nagar, the petitioner cannot be allowed to take a contrary view.

16. The argument raised on behalf of the petitioner that because notification (Annexure P-10), issued by the H.P Board of School Education is dated 05.03.2015 and the same has to be given prospective effect, therefore, the certificate of the petitioner, which is pertaining to the year 2010, cannot be said to be bad on this count, also cannot be accepted. In fact, this

Court is of the considered view that the veracity of the certificate of the petitioner is shrouded with grave suspicion, not on the strength of Annexure P-10, but on the strength of Annexure R-4/A, which is a public notice issued by the Directorate of Education of the Government of National Capital Territory of Delhi, that too as far back as on 29.01.1999, mentioning that respondent No.5 Institute was not recognized by the competent Authority to award 10+2 certificates. As far as notification issued by the H.P. Board of School Education is concerned, it is not as if the H.P. Board of School Education issued the first notification in the year 2015 only. Annexure R-4/B demonstrates that this notification was issued by the H.P. Board of School Education earlier also in the year 1999. In fact, it appears that after Directorate of Education, New Delhi, issued public notice on 29.01.1999, as a matter of abundant precaution and also as a consequence thereof, notification dated 16.03.1999 was issued by the H.P. Board of School Education to caution the students in Himachal. The petitioner has not rebutted the stand of the respondents by filing any rejoinder to the replies filed by them, which replies stood filed

more than four years ago. As the petitioner had obtained the job on the strength of a matriculation certificate, which obviously cannot be termed as a valid certificate, the termination of the service of the petitioner cannot be held to be bad.

17. The contention raised by the learned counsel for the petitioner that there was a violation of the principles of natural justice also, cannot be accepted because the service of the petitioner was terminated after issuance of a show cause notice and after response was filed thereto by the petitioner. Chronology of events also demonstrates that the petitioner was offered appointment vide Annexure P-5, dated 08.03.2021, he joined vide Annexure P-6, on 16.03.2021 and the show cause notice was issued to him in terms of Annexure P-7, on 08.04.2021 i.e. within the fortnight of his joining. The services of the petitioner were also terminated expeditiously on 22.04.2021, in light of the fact that the petitioner had obtained the certificate on the strength of a matriculation certificate, which was obtained from a Board, which was not recognized by the competent Authority.

18. It is also relevant to refer to Annexure R-3/C, dated 11.03.2018, appended with the short affidavit-cum-reply filed on behalf of respondent No.3 i.e. Union of India, perusal of which demonstrates that the Deputy Director of Education, Directorate of Education, Government of National Capital Territory of Delhi informed the Under Secretary to the Government of India, Ministry of Human Resource Development, Department of School Education and Literacy that the Government of National Capital Territory of Delhi does not have any Boards of its own. The Directorate of Education only grants recognition to schools under Delhi School Education Act and Rules, 1973, for regulating the education of Government/aided/private unaided recognized schools and does not grant any recognition to any Board. It is further mentioned in this communication that as far as the Directorate of Education, Government of National Capital Territory of Delhi is concerned, there are only three Boards relevant for Delhi, i.e., Central Board of Secondary Education (CBSE), Indian Certificate of Secondary Education (ICSE) and National Institute of Open School (NIOS). This also demonstrates that the Board from which the petitioner had

obtained matriculation certificate in fact is a non-existing Board.

19. In view of the above discussion, as this Court finds no merit in the petition, the same is dismissed. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

February 28, 2026
(Shivank Thakur)