

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

**CWP No.20062 of 2025
Decided on 27th February 2026**

Pankaj Chauhan

...Petitioner

Versus

State of Himachal Pradesh and other

...Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

¹Whether approved for reporting? Yes

For the petitioner: Mr. Hirdaya Ram, Advocate.

**For the respondents: Mr. Rajat Chauhan, Assistant Advocate
General.**

Ajay Mohan Goel, Judge (*Oral*)

Notice confined to respondents No.1 to 5 and 7.

No notice is being issued to respondents No.6, 8 and 9.

2. Heard.

3. Brief facts necessary for the adjudication of this petition are that in a process initiated by the Authorities to fill up the post of Part Time Multi Task Workers at Government Primary School Rajaina, District Sirmour, H.P., the private respondent was selected vide Annexure P-5 dated 18.08.2023. In this process, the petitioner also participated. Feeling

aggrieved by the appointment of the private respondent, the petitioner preferred an appeal under Rule 19 of the Part Time Multi Task Workers Scheme, 2020. The main ground agitated in the appeal, as is evident from the order passed by the Authority on the said appeal dated 07.05.2025 (Annexure A-4) was that the private respondent had once failed in 8th class in Government Senior Secondary School, Koti Dhiman in the month of March, 2008 and, thereafter, he arranged to qualify 8th class examination illegally from Himalayan Public Senior Secondary School, Chowri, District Chamba, H.P., during the session 2011-12 by taking admission in the said School. This according to the petitioner violated the terms and conditions of the Right to Education Act, 2009.

4. Said appeal of the petitioner was dismissed by the Authority by returning the following reason:-

“The appellant and all the respondents were summoned. The respondents filed their respective replies to the memo of appeal. The respondent No.5 averred in his reply that the alleged certificate, annexed with (Annexure P-6) is genuine and has been issued in favour of the respondent No.6 after qualifying 8th class. It is, further averred that there is no any bar in law to obtain education or to continue the education and the Right to Education Act does not prohibit

the respondent to continue his education. The appellant filed rejoinders to the replies filed by the respondents. Lastly arguments were heard.

The contents of memo of appeal, replies, rejoinders and the records, stand found placed on the record of this case file was perused and the arguments lead by the learned counsel for the parties were given due consideration. Nothing material has been found in the grounds of appeal, rather the statement, made by respondent No.5 in his reply is quite appealing and genuine. In view of the above findings, the present appeal is dismissed. The case file be consigned to the General Record Room after due completion.”

5. Feeling aggrieved, the petitioner preferred a further appeal under Rule 19 of the policy before the Director of School Education. Said appeal of the petitioner has been dismissed by the Director School Education vide Annexure P-1, dated 18.07.2025 by returning the following findings:-

“The main contention of the appellant in the present appeal is that Respondent No. 7 has obtained Middle standard certificate from Respondent No. 6 during the session 2011-12 in illegal manner. The appellant contends that the provisions of the RTE Act make it very clear that a child means a male or female of the age of six to fourteen years and the elementary education means the education from 1st Class to 8th Class, and Respondent No.7 was not a child after failing 8 class examination in GSSS Koti Dhiman because he had attained age of 14 years one month and 19 days on 31.03.2008. The counsel for the appellant further contends that had the

Respondent. No. 7 been covered under the definition of "child" then as per section 5 of RTE Act, Respondent No. 7 could move from Govt. Senior Secondary School Koti Dhiman to another school, but not to Himalyan Public Senior Secondary School Chowari, District Chamba, because Himalyan Public Senior Secondary School, Chowari is an unaided school. The appellant also asserts that since Respondent No. 7 was 17 years old in 2011, he no longer falls under the definition of "child" under the RTE Act and therefore should not have been allowed to pass the 8th Class without a board examination as per Section 30 of the RTE Act, which requires only a "child" to be exempt from such examination. The appellant prays that the impugned order dated 07.05.2025 be quashed and set aside along with the appointment of Respondent no. 7, and the appellant be selected for the post of PTMTW in the said school.

On the other hand, Respondent No. 7 submitted that his 8th Class certificate is genuine and his appointment to the said post has been made in accordance with the policy guidelines and after Scrutiny of documents.

The arguments presented by the counsel for the appellant, and Respondent No. 7 were thoroughly considered, and the case record was carefully examined. The primary issue to be decided in this case is whether the 8th Class certificate submitted by Respondent. No. 7 at the time of his selection is valid. Upon examination of the record, it was found that, to verify the authenticity of the 8th Class certificate, the BEEO Dadahu wrote to Respondent No. 6, the Principal Himalayan Public Senior Secondary School, Chowari, District Chamba. In response, Respondent No. 6, vide letter dated 28.06.2022, verified that the details mentioned in the

certificate are correct according to the school record. Furthermore, I find no merit in the appellant's argument that respondent No.7's 8th Class certificate is invalid simply because he had crossed the age of 14 years at the time of his passing of the 8th Class in the session 2011-12. The Right to Education Act does not prohibit the continuation of education beyond the age of 14 years. As such, the appellant's contention that respondent No.7's certificate illegal is unfounded.

In view of the above, I find no infirmity in the order passed by the First Appellate Authority and the same is upheld. Accordingly, the present appeal is found to be devoid of merit and is hereby dismissed after due consideration. The orders be conveyed accordingly."

6. These two orders are under challenge before this Court.

7. Learned counsel for the petitioner argued that the orders passed by the authorities are not sustainable in the eyes of law as both the authorities have erred in not appreciating that as the 8th class certificate was fraudulently obtained by the private respondent, his appointment on the strength of the said certificate was bad in law. Learned counsel argued that because the appointment of the private respondent was on the basis of an invalid 8th class certificate, therefore, his appointment being void *ab-initio* could not have been sustained in law and in this backdrop, the dismissal of the appeals of the

petitioner is not sustainable in law. Learned counsel also argued that the petitioner was more eligible and had a right to be offered appointment, therefore, he prayed that the present petition be allowed by quashing the impugned orders. He also argued that the admission, if any, taken by the petitioner in the private school to obtain the 8th class certificate was in violation of the Right of Children to Free and Compulsory Education Act, 2009.

8. On the other hand, learned Assistant Advocate General took the Court through the orders passed by the Authorities and submitted that as concurrently both the authorities have come to the conclusion that the 8th class certificate presented by the private respondent was a genuine certificate and the petitioner could not prove to the contrary except making bald allegations that the certificate was obtained fraudulently and same was no certificate in the eyes of law, the present petition deserves to be dismissed. Learned Assistant Advocate General referred to the order passed by Director School Education and submitted that the issues raised by the present petitioner stand decided in detail by the said authority

and there is a complete misreading and misinterpretation of the provisions of the RTE Act, 2009 on behalf of the petitioner. Due verification of the certificate was done by the authority as is evident from Para-6 of the order passed by Director School Education and same demonstrated that the certificate was strictly in accordance with the record of the School, which issued the certificate. Accordingly, the appeals of the petitioner were rightly rejected and as there is no merit in the petition, the same be dismissed.

9. I have heard learned counsel for the petitioner as also learned Assistant Advocate General and have also carefully gone through the petition as well as the documents appended therewith.

10. Primarily, the challenge of the petitioner to the 8th class certificate submitted by the private respondent, on the basis whereof, the said respondent was offered appointment as a Part Time Multi Task Worker, is that as the private respondent was more than 14 years of age as on the day when he was admitted in the School from where he passed the 8th class examination, therefore, the certificate was a fraudulent, illegal

and invalid certificate.

11. Besides bald allegations, there is no material placed on record by the petitioner against the veracity of the certificate in issue of the private respondent. Indeed, here, it is not a case, where, the petitioner assailed the veracity of the certificate of the petitioner before a Court of law and despite there being a favourable finding in favour of the petitioner that the certificate of the private respondent was not a genuine certificate, the appeals of the petitioner were dismissed.

12. The Right of Children to Free and Compulsory Education Act, 2009 has been enacted to provide for “free and compulsory education to all children of the age of six to fourteen years”. This act is in furtherance of Article 21-A of the Constitution of India, which provides that the State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine. Therefore, the purpose of the Act is to provide compulsory education to all children between the age of six to fourteen years so that financial barriers do not become an impediment in the way of a child from completing eight year of

schooling. However, a close perusal of the provisions of this Act demonstrates that there is no statutory bar that a person above the age of fourteen years is not to be admitted to any School, be it public or private in Class 8th. This Court again reiterates that the Right of Children to Free and Compulsory Education Act, 2009 is a statute, which has been enacted to ensure that compulsory eight years of schooling is provided to a child without any financial barriers, by making it imperative upon the State to ensure that free and compulsory education to all children between the age of six to fourteen years is provided, but, this act is neither restrictive qua the classes nor does it create any impediment that a student who in routine has failed in a Class-8th examination, may be from a Government School or other School, is barred beyond the age of fourteen to get admission in any School, may be Government or private, to pursue his further studies in Class 8th. Therefore, the contention of the petitioner that the admission of the petitioner in the private school after the age of fourteen in Class 8th was in violation of the provisions of the 2009 Act is completely fallacious and not sustainable in law. This Act nowhere comes

in the way of the private respondent in having obtained admission in some other school after having failed in Class 8th examination so as to pursue his studies in Class 8th.

13. Incidentally, it is not the case of the petitioner that after the private respondent had failed in Class 8th examination, thereafter he obtained or procured a higher certificate of matriculation etc., from some other School. His allegations are confined to the point that he failed in a School in District Sirmour in Class 8th and thereafter, obtained a certificate of 8th Class from some other School i.e., a private School from District Chamba which was bad. In this backdrop, if now we peruse the orders that have been passed by the authorities on the appeals preferred by the petitioner, the order passed by Director School Education demonstrates that in order to verify the veracity of the 8th Class Certificate submitted by the private respondent at the time of his selection, the record was called for. To verify authenticity of the said certificate, BEEO Dadahu wrote to the Principal of Himalayan Public Senior Secondary School, Chowari, District Chamba and in terms of the response thereto vide letter dated 28.06.2022, verification was done and

the details mentioned in the certificate submitted by the private respondent were found to be correct according to the School record. Now, during the course of the hearing of this petition, it could not be demonstrated by the petitioner that these findings returned by the authorities were perverse and not borne out from the record.

14. In the backdrop of the above discussions, this Court concurs with the findings returned by the authorities that the petitioner was not able to substantiate that the 8th Class Certificate submitted respondent No.7 was an invalid certificate and it also concurs with the findings returned by the authorities that the said certificate cannot be held to be invalid simply because the private respondent had crossed the age of fourteen years at the time of his admission or passing of 8th Class in the session 2011-12.

15. In fact, this Court would also like to observe that on one hand, learned counsel for the petitioner argued that the certificate has been obtained fraudulently by the private respondent, but, in the same breath, he also argued that said certificate cannot be relied upon, because, the same was

obtained by the petitioner after getting admitted in the School having crossed the age of fourteen years. The above demonstrates that impliedly the petitioner also admits that the private respondent took admission in a School and it was as a result of said admission that he passed 8th Class examination.

16. In light of this fact, especially considering that the petitioner has failed to demonstrate that there was any embargo in any law that a minor who had crossed the age of fourteen years could not have gained admission in 8th Class after having failed in some other School, as this Court does not find any merit in the present petition, the same is dismissed. Pending miscellaneous applications, if any, also stand disposed of.

(Ajay Mohan Goel)
Judge

February 27, 2026
(*Vinod*)