IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 18157 of 2025

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1. The Union of India through the Secretary, Ministry of Communication, Department of Post, Dak Bhawan, Sansad Marg, New Delhi- 110001.
2. The Director Postal Department, Bihar Circle, GPO, Patna- 800001.
3. The Chief Post Master General, Bihar Circle, Patna- 800001.
4. The Post Master General, Regional Office, Bhagalpur, 812001.
5. The Superintendent, Post Office- Begusarai Division, Begusarai- 851101.
6. The Inspector of Post, East Sub-Division- Begusarai Division, Begusarai- 851101.

... ... Petitioner/s

Versus

Shreya Daughter of Late Chaitanya Bharti and Wife of Sonu Babu Resident of Village- Ramdiri, Police Station- Matihani, District- Begusarai (Bihar).

... ... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Kumar Ravish, CGC

For the Respondent/s : Mr. Deepak Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

CAV JUDGMENT

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

Date: 03-04-2026

The present writ petition has been filed against the order dated 19.08.2025, passed by the learned Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as “the Ld. CAT”) in O.A. No. 050/00164/2025, whereby and whereunder the covering letter dated 7.2.2025 along with its enclosure i.e. the letter of the Superintendent of Post Offices, Begusarai

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Division, Begusarai dated 6.2.2025, by which the engagement of the respondent herein as Gramin Dak Sevak (hereinafter referred to as "the GDS") had been terminated, have been quashed and the petitioners have been directed to reinstate the respondent with all consequential benefits within a period of 60 days of the date of receipt of the said order dated 19.08.2025.

2. The brief facts of the case as pleaded by the sole respondent in the original application filed by her before the Ld. CAT is that the Department of Posts, Ministry of Communications, Government of India, New Delhi had issued an advertisement / notification dated 12.7.2024, inviting applications from the eligible candidates to fill the vacant posts of Gramin Dak Sevaks (GDSs) in different offices of the Department of Posts. The relevant clauses of the said advertisement dt. 12.7.2024 are being reproduced herein below:-

> *"**Clause 3. SERVICE CONDITIONS AND BRIEF JOB PROFILE AND RESIDENCE/ACCOMMODATION.***
>
> *The applicants must clearly understand that the GDSs are not regular employees of the Department and their emoluments, allowances and other entitlements are not at par with the Central Government employees. Their service conditions are governed by Department of Posts, Gramin Dak Sevaks (Conduct and Engagement) Rules, 2020 [referred to as GDS Rules], as revised from time to time and not framed under the Article 309 of the Constitution of India. They are holders of Civil Posts outside the civil services of State. They are required to*

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serve, mostly, in rural areas to render the services of the Department. As per Rule 3A of the said GDS Rules, they are required to work for minimum for a period of four hours and maximum for five hours a day and then cannot be retained as Sevak beyond 65 years of age. A sevak should have other source of income besides the allowances to be paid by the Government for adequate means of livelihood for himself and his family. The candidates selected as BPMs are required to arrange accommodation for running the post office (called as Branch Post Office) at their own cost. The candidates are advised to carefully go through the said GDS Rules, which are available on the official website of the Department.

Clause 5.2. QUALIFICATION AS ON THE DATE OF NOTIFICATION

1(a). Educational qualification for engagement of GDS is Secondary School Examination pass certificate of 10th standard with passing marks in Mathematics and English conducted by any recognized Board of School Education by the Government of India/State Governments/Union Territories in India.

(b). The applicant should have studied the local language at least up to 10th Standard from a recognized Board. The detail of post-wise local language prescribed by the Department is given in the Annexure-III.

Clause 8: SELECTION CRITERIA

(i). The applicants will be shortlisted for engagement on the basis of a system generated merit list.

(ii). The merit list will be prepared on the basis of marks obtained/conversion of Grades/Points to marks (as explained in sub paras - iii to xiii below) in Secondary School Examination of 10th standard of recognised Boards aggregated to percentage to the accuracy of 4 decimals.

(iii). For applicants where Secondary School

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Examination of 10th standard mark sheet contains the marks as mentioned in each subject or marks and Grade/Points both, their total marks will be worked out by taking into account the 'marks obtained'. In case any applicant applies with grades/points instead of marks, his/her application will be liable for cancellation. However, if for any particular subject (s) only grades are mentioned in the mark sheet then for that subject (3) grades can be mentioned and the same need not to be converted to the marks by the candidates.

(iv). For applicants having only grades subject-wise marks will be arrived for each subject, by applying the multiplying factor of 9.5 in the following manner:

Grade	*Grade Point*	*Multiplication factor*
A1	*10*	*9.5*
A2	*9*	*9.5*
B1	*8*	*9.5*
B2	*7*	*9.5*
C1	*6*	*9.5*
C2	*5*	*9.5*
D	*4*	*9.5*

(v). In case of the marks lists contain the Grades/ Points, marks will be reckoned by taking conversion of Grades and points with the multiplication factor (9.5) against the maximum points or grade as 100.

(vi). Where Cumulative Grade Point Average (CGPA) is also provided, the marks will be arrived at by multiplying the CGPA by 9.5. Where individual grades in each subject as well as CGPA is given, the higher of the two marks will be taken. It is to clarify that the candidates are not required to convert their points/grades into marks and are required to mention the grades/points only (wherever applicable), while filling up the online application. The conversion of grades/points to the marks would be carried out by the system before declaration of result for the purpose of arriving at the merit.

(x). Applications submitted without complete data will be

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rejected. In case an applicant uploads wrong documents/information and unnecessary documents his/her candidature will be rejected.

(xi). Shortlisted applicants will have to submit an undertaking in the format annexed as Annexure-IX, regarding liability in case of furnishing fake/incorrect information/details in the form."

3. It is the case of the sole respondent that pursuant to the said advertisement / notification dated 12.7.2024, she had applied for appointment as GDS by submitting online application on 28.7.2024, leading to her name being shortlisted as a successful candidate, as is apparent from the merit list dated 19.10.2024. After publication of the merit list, an email dated 20.10.2024 was sent to the shortlisted candidates including the respondent for document verification and the shortlisted candidates were called for document verification on or before 4.11.2024. Thereafter, the respondent had submitted her documents for verification, which were verified and were accepted by the petitioners, whereupon a communication dated 25.10.2024 was sent to the respondent, stating therein that her candidature has been accepted. The Superintendent of Post Office, Begusarai Division, Begusarai i.e. the petitioner No. 5 herein sent a letter dated 20.11.2024 to the Respondent, stating therein that as per para 5.2(1)(b) of the advertisement dated 12.7.2024, for appointment as GDS, the candidate should at

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least have passed 10th class with subject of the regional language from a recognized Board and as per Annexure-III of the said notification dated 12.7.2024, the regional language for the Bihar circle is Hindi, however it has transpired from the documents, submitted by the respondent that the respondent has passed the 10th class examination from CBSE, Delhi but the subject Hindi does not find place in the mark sheet submitted by her, thus it is not clear as to whether she has read Hindi language or not. In such view of the matter, the respondent was asked that in case she has studied Hindi prior to Class 10th or after Class 10th then certificate to the said effect from a recognized school / high school be submitted in the office of the petitioner No. 5. In compliance of the said letter dated 20.11.2024, the respondent submitted her 12th standard and B. Com (Hons.) mark sheet, which shows that the respondent had 'Rashtra Bhasha Hindi' as one of the subjects in Class 12th and further had Hindi as subsidiary paper in B. Com (Hons).

4. In the meantime, the respondent was sent for basic training for three days and on successful completion of the basic training on 4.12.2024, a letter dated 4.12.2024 was given to her by the Inspector of Post, communicating to the Superintendent of Post Offices that she has successfully completed three days

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training. Thereafter, the provisional engagement letter was issued in the name of the respondent on 9.12.2024, whereafter she had submitted her joining at Bikrampur Branch on 17.12.2024. It is the case of the respondent that all of a sudden, a letter was sent to her on 6.2.2025, whereby and whereunder the services of the respondent has been terminated without either assigning any reason or giving any notice to her.

5. The petitioners had filed written statement before the Ld. CAT, *inter alia* stating therein that vide notification dated 12.7.2024, applications were invited from eligible candidates to fill up various posts of GDS. It has been stated that while submitting online application forms, the candidate had to, besides other declaration, also declare that the details furnished therein i.e. age/address/educational qualifications/ computer knowledge/ *EWS/ PWD/Caste etc.*, on the basis of which application was being filed, is true to the best of the knowledge and belief of such candidate. The candidate had to further furnish undertaking that in case any detail submitted by the candidate is found to be false at any stage of engagement process/ during engagement, candidature of such candidate shall be liable to be rejected against all the vacancies, applied for or after engagement of such candidate and the candidate would be

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liable to be terminated under GDS (Conduct and Engagement) Rules. In fact, a candidate had also to furnish declaration to the effect that such candidate has studied notification document thoroughly and found herself / himself eligible for the post of GDS/ABPM/Dak Sevak. It has been pointed out that in paragraph no. 8 (x) of the said notification dated 12.7.2024, it has been clearly mentioned that application submitted without complete data will be rejected and in case an applicant uploads wrong documents/information and unnecessary documents, his/ her candidature will be rejected. Moreover, shortlisted applicants were required to submit an undertaking in the format, annexed as Annexure-IX of the said notification dt. 12.7.2024, regarding liability in case of furnishing fake/incorrect information/ details in the form.

6. As regards the Respondent, it has been stated in the written statement that she had applied for GDS engagement in Bihar circle and on the basis of a system generated merit list, she was shortlisted. The work of verification of documents was delegated to one Sri Rajiv Kumar, Inspector of Post (Public Grievance), Office of the SPOs, Begusarai Division, Begusarai, vide letter dated 21.10.2024. The respondent had turned up for document verification-1 on 25.10.2024 and the said Sri Rajiv

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Kumar had cross checked data of original documents with the data of online application downloaded from the portal, pertaining to the respondent. The Respondent had entered Hindi-A/Hindi-B in the uploaded application form while Sanskrit was depicted in the original mark sheet submitted by her during the document verification held on 25.10.2024, thus the respondent had / has violated the requirement of Rule 8(x) of the Selection Criteria mentioned in the notification dated 12.7.2024. It has been further stated in the written statement that the verifying authority has to check the local language of the concerned State mentioned in the original certificate submitted by the candidate by comparing it with the application uploaded on the portal in accordance with the provisions contained in paragraph no. 2.3(v) of the SOP, related to GDS online engagement process schedule, July-2024 and if any difference is found in the local language, the same is definitely violation of the provision, contained in Clause 5.2 (1) (b) and Annexure-III of the descriptive notification and engagement schedule, contained in notification dated 12.7.2024.

7. It has been next stated in the written statement filed by the petitioners before the Ld. CAT that as per the prescribed guidelines of the Department, document verification-2 was held

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on 4.11.2024, wherein the candidature of the respondent was rejected and marked as not tallied by one Sri Manikant, OA, Establishment Branch, who had been instructed by the then Superintendent of Post Offices, Begusarai Division, Begusarai but subsequently, the said Superintendent of Post Offices, Begusarai had sent an email to the Department under collusion that the candidature of the respondent has been rejected inadvertently on 4.11.2024 and uploaded on GDS online engagement site, although the fact is that she has been selected for the post of BPM, Bikrampur Branch Office under the Begusarai Division, hence he had requested to reinstate the candidature of the respondent, leading to reinstatement of the candidature of the respondent in the online system, whereafter she was provisionally engaged as GDS BPM, Bikrampur Branch Office, however with a condition that her engagement on the post shall be in the nature of a contract liable to be terminated by her or by the authorities by notifying the order in writing. In fact, departmental proceeding has already been initiated against the then Superintendent of Post Offices, Begusarai Division, Begusarai. It is stated that an enquiry was carried out by the designated officer of the Department and it has been found that the engagement process of the respondent

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on the post of BPM, Bikrampur Branch Office is not correct, inasmuch as there is mismatch of subject as per the application filed by the candidate online vis-à-vis the physical certificate submitted by her apart from the fact that she has not studied the local language of Bihar i.e. Hindi in Class 10th, hence the engagement of the respondent was terminated as per Rule 8 (1) of the Gramin Dak Sevaks (Conduct & Engagement) Rules, 2020 (hereinafter referred to as "the Rules, 2020"). At this juncture, it would be relevant to quote Rule 8(1) of the Rules, 2020 herein below:-

> *"8. Termination of Engagement:-*
>
> *(1). The engagement of a Sevak who has not already rendered more than three years' continuous engagement from the date of his/her engagement shall be liable to be terminated at any time by a notice in writing given either by the Sevak to the Engaging Authority, or by the Engaging Authority or any Authority to which the Engaging Authority is subordinate or any other Authority empowered in that behalf by the Government, by general or special order, to the Sevak."*

8. The learned counsel for the petitioners has submitted that one of the requisite educational qualification, as per Clause 5.2 (1) (b) of the notification dated 12.7.2024 is that the applicant should have studied the local language at least up to 10th standard from a recognized Board, which in the case of Bihar is Hindi, however a bare perusal of the online application,

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submitted by the Respondent would show that under the heading “marks/grades/points”, the year of passing 10th class examination has been shown to be 2015 from CBSE and the subjects / grades have been mentioned as follows:-

Subjects	*Marks / Grades/Points*
Mathematics	*A1*
Hindi-A/Hindi-B	*A1*
English Communicative/ English language & Literature	*A1*
Science	*A1*
Social Science	*A1*
CGPA (As entered by the candidate)	*10*

The learned counsel for the petitioners has thus submitted that a bare perusal of the online application of the Respondent shows that she was having Hindi-A/Hindi-B as one of the subject in 10th Class and had got Grade-A1, however a bare perusal of the 10th Class mark sheet, issued by the CBSE, Delhi, annexed at page no. 108 of the paper book would show that the same does not contain any Hindi subject, nonetheless the same instead shows that she had studied Sanskrit subject. It is thus submitted that the respondent had furnished false / incorrect information in her online application form, thus in terms of Clause 8(xi) of the notification dated 12.7.2024, coupled with the undertaking furnished in the form contained in Annexure-IX, which postulates that in case any details, submitted by the

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candidate is found to be false / incorrect at any stage of engagement process/ during engagement, the candidature shall be liable to be rejected and such candidate shall be terminated, the respondent has rightly been terminated under Clause 8(i) of the Rules, 2020, since she had submitted false/incorrect information in her online application form.

9. The learned counsel for the petitioners has further submitted that the initial verifying officer, Shri Rajiv Kumar, IP(PG), correctly marked the application "Rejected" after tallying the data with the original documents, however due to collusion between the applicant and the then SPO, Begusarai, this rejection was overridden in contravention of the Standard Operating Procedure (SOP) dated 16.08.2024. Subsequent DV-2 verification done on 04.11.2024 again confirmed the mismatch, leading to rejection in the system. Yet within days, the SPO sought reinstatement of the candidature of the respondent without assigning any valid reason, in complete disregard of departmental guidelines. This manipulation of procedure has directly violated Clause 5.2 (1) (b) and Annexure-III of the Notification dated 12.07.2024 and has undermined the mandatory requirement of local language proficiency.

10. The learned Counsel for the petitioners has next

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submitted that the departmental inquiry has established that the respondent's engagement was irregular, based on false data entry and ineligibility and was the result of a conspiracy to secure appointment. Accordingly, under Rule 8(1) of the Rules, 2020, which permits termination within three years of engagement without assigning reason, the respondent's services have been terminated, vide memo dated 06.02.2025. The plea of violation of principles of natural justice is misconceived in the present case as the said action is a termination simpliciter under Rule 8(1) of the Rules, 2020 and not a punitive dismissal, requiring a full-fledged inquiry under the disciplinary rules.

11. The learned counsel for the petitioners has thus submitted that the respondent had supplied false / incorrect information in her online application form, leading to her being selected and having been issued with the provisional engagement letter dated 9.12.2024, nonetheless upon detailed enquiry, the same was uncovered and it was found that though the respondent was having Sanskrit as a subject in her 10th CBSE examination, however she had falsely filled in her online application form regarding she having Hindi-A/Hindi-B as a subject in her 10th examination instead of Sanskrit, which definitely amounts to *suppressio veri* and *suggestio falsi* on the part of the respondent,

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leading to the authorities being misled in taking a decision to appoint respondent as GDS, however upon discovery of the misrepresentation, the engagement of the respondent has been terminated by the impugned order dated 6.2.2025, in terms of Clause 8 (xi) read with Annexure-IX of the notification dated 12.7.2024 and Rule 8(1) of the Rules, 2020, hence there is no illegality in the impugned order dated 6.2.2025, as contained in the covering letter dated 7.2.2025. Thus, the impugned judgment rendered by the Ld. CAT dated 19.8.2025 is perverse and fit to be set aside. In this connection, reliance has been placed on a judgment, rendered by the Hon'ble Apex Court in the case of ***Central Airman Selection Board & Anr. vs. Surender Kumar Das***, reported in ***(2003) 1 SCC 152***, paragraph no. 7 whereof is reproduced herein below:-

> *"**7.** The question, therefore, is whether in case of this nature the principle of promissory estoppel should be invoked. It is well known that the principle of promissory estoppel is based on equitable principles. A person who has himself misled the authority by making a fake statement, cannot invoke this principle, if his misrepresentation misled the authority into taking a decision which on discovery of the misrepresentation is sought to be cancelled. The High Court has proceeded on the basis that the petitioner had not made any misrepresentation in his application to the effect that he had passed the intermediate examination. As we have found above, this finding of the High Court is erroneous, contrary to record and therefore must be set aside. In his*

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application, the respondent had claimed that he had passed the secondary examination as well as the higher secondary +2 examination, and it is clear from the counter-affidavit filed on behalf of the appellants that his candidature was considered on the basis that he had passed the higher secondary +2 examination, as in that case he was entitled to claim relaxation in the matter of age. However, the marksheet annexed to the application disclosed that the respondent had failed in the subject Chemistry and therefore, his claim in the application, that he had passed the higher secondary +2 examination, was factually incorrect and a clear misrepresentation. In these circumstances we are satisfied that the respondent could not be permitted to invoke the principle of promissory estoppel, and the High Court has clearly erred in law in invoking the said principle in the facts of this case. The judgment and order of the High Court therefore cannot be sustained."

12. The learned counsel for the petitioners has also relied on a judgment rendered by the Hon'ble Apex Court in the case of ***A.P. Service Commission vs. Koneti Venkateswarulu & Others***, reported in ***(2005) 7 SCC 177***, paragraph no. 7 whereof is reproduced herein below:-

*"**7.** We are unable to accept the contention of the learned counsel for the first respondent. As to the purpose for which the information is called for, the employer is the ultimate judge. It is not open to the candidate to sit in judgment about the relevance of the information called for and decide to supply it or not. There is no doubt that the application called for full employment particulars vide column 11. Similarly, Annexure III contained an express declaration of not working in any public or private employment. We are also unable to accept the contention that it was inadvertence which led the first*

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respondent to leave the particulars in column 11 blank and make the declaration of non-employment in Annexure III to the application. The application was filled on 24-7-1999, the examination was held on 24-10-1999, and the interview call was given on 31-1-2000. At no point of time did the first respondent inform the appellant Commission that there was a bona fide mistake by him in filling up the application form, or that there was inadvertence on his part in doing so. It is only when the appellant Commission discovered by itself that there was suppressio veri and suggestio falsi on the part of the first respondent in the application that the respondent came forward with an excuse that it was due to inadvertence. That there has been suppressio veri and suggestio falsi is incontrovertible. The explanation that it was irrelevant or emanated from inadvertence, is unacceptable. In our view, the appellant was justified in relying upon the ratio of Kendriya Vidyalaya Sangathan [(2003) 3 SCC 437] and contending that a person who indulges in such suppressio veri and suggestio falsi and obtains employment by false pretence does not deserve any public employment. We completely endorse this view."

13. *Per contra,* the learned counsel for the respondent has submitted that the Superintendent of Post Offices, Begusarai Division, Begusarai had sent a letter dated 25.10.2024 to the Assistant Director (Recruitment), Bihar Circle, Patna regarding clarification about the candidature of the respondent seeking guidelines as to whether her candidature should be accepted or not, inasmuch as though she has passed her 10th examination with Sanskrit subject, however while filing the online application form, she has mentioned one subject out of five

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subjects as Hindi-A/Hindi-B and during the course of first document verification, she has asserted that since there was no option for selecting Sanskrit subject in the online application form, she had chosen Hindi-A/ Hindi-B, to which the Assistant Director (Recruitment), Bihar Circle, Patna had replied, vide email dated 1.11.2024 to proceed as per the SOP dt. 16.8.2024. The learned counsel for the respondent has referred to scenario B mentioned in the Standard Operating Procedure to submit that in case the entries fed in the portal are found mismatch with that mentioned in the original documents, effecting the merit, the dialogue box would show- “not tallied”, however the same did not happen in the case of the respondent.

14. It is next submitted by the learned counsel for the respondent that the educational qualification prescribed in the notification dated 12.7.2024 is that the applicant should have studied the local language at least up to 10th standard from a recognized Board, which impliedly means that candidates who have studied the local language from a recognized Board in higher classes then 10th are also eligible. It is next submitted that the alleged wrong entry, as aforesaid, was not intentional and the respondent was genuinely confused by the online application portal not accepting any other subject other than Hindi-A/Hindi-

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B as such she thought that the marks of the Sanskrit had to be filled in that column as there was no option granted by the online application system and it was a minor system failure. At this juncture itself, it has been stated that as per the provision, contained in scenario-B of SOP, it has been mentioned that in case where the candidate reports with some of the documents or with no documents or the documents are not in prescribed format or there is mismatch in the entries filled in online applications and original documents, not effecting merit, the candidature may be accepted on the basis of an undertaking as annexed at Annexure-IV from the candidate and uploaded on the portal. Reference has also been made to Clause 8(ii) of the notification dated 12.7.2024 to submit that the merit list has to be prepared on the basis of marks obtained / conversion of grades/ points to marks in Secondary School Examination of 10th Standard of recognized Boards aggregated to percentage to the accuracy of 4 decimals. Lastly, reference has been made by the Ld. counsel for the Respondent to an order dated 26.4.2023, passed by the Ld. CAT in O.A. No. 050/00282/2021 (***Vidushi Tripathi vs. The Union of India & Others)*** to submit that in somewhat similar type of case, the Ld. CAT has held that words 'at least up to 10th standard', if is interpreted liberally and

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constructively, vis a vis, the intent to be achieved- "*Compulsory knowledge of Local Language*'; it can be said that its import is study of Local Language up to standard not below 10th standard. In the present case, the respondent has studied Hindi up to 8th class, has studied Sanskrit in 9th & 10th class and then studied Hindi in 12th class, hence she cannot be said to be not having the knowledge of Hindi and as per existing Rule also she cannot be debarred by treating her ineligible on this count.

15. It is submitted that the aforesaid order dated 26.4.2023, passed by the Ld. CAT has been upheld by a Division Bench of this Court in CWJC No. 9192 of 2024 (***The Union of India & Others vs. Vidushi Tripathi)*** by a judgment dated 12.2.2025, wherein it has been held that if a job posting requires local language in the matriculation and a candidate has an intermediate qualification with local language, the higher intermediate qualification would be considered acceptable as it compasses the required matriculation level of local language. Thus, it is submitted by the learned counsel for the respondent that on the same analogy as has been decided by the Ld. CAT and the Hon'ble Patna High Court in the case of ***Vidushi Tripathi*** (supra), the present case is fit to be allowed, since the respondent has studied Hindi subject both at the level of

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intermediate as also while pursuing her B.Com (Hons.).

16. We have heard the learned counsel for the parties and perused the materials on record. The facts lie in a narrow compass, inasmuch as the petitioners had issued an advertisement / notification dt. 12.7.2024, inviting application to fill the vacant post of Gramin Dak Sevak, wherein detailed terms and conditions have been stipulated and in pursuance thereof, the respondent had filed online application form, wherein in the column meant for depicting the 10th class marks / grades/ points, the Respondent had incorrectly filled one of the subjects as Hindi-A/Hindi-B although the same was not her subject in 10th class and actually her subject was Sanskrit. This led to the name of the respondent being depicted in the merit list, whereby eligible candidates had been shortlisted for document verification and then, it appears that she had managed to secure appointment, leading to issuance of provisional engagement letter dated 09.12.2024, whereafter she had submitted her joining on 17.12.2024. The crux of the matter is as to whether furnishing of false information in the online application form by the respondent can be categorized as an error, having no bearing on the merit list to be generated by the system, leading to acceptance of the candidature of the

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applicant. In this connection, we may refer to Clause 5.2 (1) (b) of the advertisement / notification dated 12.7.2024, which postulates that the applicant should have studied local language up to 10th standard from a recognized Board and in pursuance thereof, the respondent had filed online application form, mentioning therein regarding one of the subject in her 10th examination being Hindi-A/Hindi-B although she had instead studied Sanskrit and in the mark sheet of the 10th examination, issued by the CBSE, Delhi also there is no mention of Hindi-A/Hindi-B but the same only mentions Sanskrit as one of the subject. The reason offered by the respondent for furnishing such false information is that since there was no option for selecting Sanskrit subject in the online application form, she chose Hindi-A/Hindi-B instead of Sanskrit while filling the online application form and that too on account of confusion created by the online application software of the petitioners. Thus admittedly, we find that false / incorrect information furnished by the respondent in the online application form definitely has a bearing on the merit list generated by the system, inasmuch as in case the respondent would not have filled wrong subject as Hindi-A/Hindi-B and instead would have tried to choose the subject Sanskrit, her form would not have

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been accepted, hence as per Clause 8(xi) read with the undertaking under Annexure-IX, the candidature of the respondent is definitely liable to be rejected and her engagement is liable to be terminated under the Rules, 2020 on account of false and incorrect details having been submitted by her in the online application form.

17. At this juncture, we may gainfully refer to the law laid down by the Hon'ble Apex Court in the case of ***Koneti Venkateswarulu & Others*** (supra), wherein the Hon'ble Apex Court has held that a person, who indulges in *suppressio veri* and *suggestio falsi* and obtains employment by false pretence does not deserve any public employment. We may also refer to the law laid down by the Hon'ble Apex Court in the case of ***Surender Kumar Das*** (supra) to the effect that a person, who has himself misled the authority by making a false/ fake statement and in the process has misled the authority into taking a decision, which on discovery of the misrepresentation is sought to be cancelled, the authorities are bound to correct the mistake and recall the order of selection especially, in cases where a candidate not eligible for appointment is selected by mistake contrary to the terms of the advertisement and the Rules. As far as the judgment rendered by the learned CAT and

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a Division Bench of this Court in the case of ***Vidushi Tripathi*** (supra) is concerned, we find that the said case is distinguishable in the facts and circumstances of the present case, inasmuch as there was no false / incorrect supply of information in the online application form, since the online application of the original applicant of the said case was not accepted by the system as the column for Hindi in matriculation could not be filled up as per the option given in the system because she had studied Sanskrit in 9th and 10th class, whereafter the original application was filed before the Ld. CAT, contending therein that as per the existing Rule, she cannot be debarred from participating in the examination, however on the contrary in the present case the respondent has furnished false and incorrect information while submitting her online application form.

18. We find from the impugned order dated 19.8.2025, passed by the Ld. CAT in the present case that the sole ground on which the original application, filed by the respondent has been allowed is that her case is covered by the judgment rendered by the Ld. CAT in the case of ***Vidushi Tripathi*** (supra), as upheld by the Hon'ble Patna High Court and a candidate well-versed in Sanskrit can efficiently read and write Hindi, as such this

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qualification, on the ground of not having Hindi in matriculation examination is unjustified when Hindi is present at higher levels or proficiency can otherwise be established. We find from the aforesaid discussion that the Ld. CAT has absolutely misdirected itself in not appreciating the main issue involved in the present case, i.e. as to whether the false / incorrect information furnished by the respondent in her online application form has any bearing on the merit list generated by the system, as to whether misrepresentation by the candidate has misled the authority into taking a decision to select such a candidate who is not eligible for appointment and when such mistake is detected, are the authorities not bound to correct the mistake and recall the order of selection and as to whether a person who indulges in *suppressio veri* and *suggestio falsi* and obtains employment by false pretence, deserves any public employment. The answer is very simple, inasmuch as the respondent has definitely engaged in *suppressio veri* and *suggestio falsi,* leading to the authorities being misled in issuing provisional engagement letter dated 9.12.2024 to the respondent herein. Thus, the issue which arises for consideration in the present case is as to whether in terms of Clause 8(xi) read with Annexure-IX of the notification dated 12.7.2024, the engagement of the respondent is required

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to be terminated since she has submitted false /incorrect information, as aforesaid. We further find from Clause 3 of the notification dated 12.7.2024 that the Gramin Dak Sevaks are not regular employees of the Department and their service conditions are governed by the Rules, 2020, which have not been framed under Article 309 of the Constitution of India, hence considering Rule 8(i) of the Rules, 2020, which provides for termination of engagement of Gramin Dak Sevak, who has not already rendered more than three years continued engagement from the date of his / her engagement, at any time by a notice in writing to such Gramin Dak Sevak, the petitioners have rightly terminated the engagement of the respondent, vide order dated 6.2.2025, thus no infirmity can be found with such action of the petitioners.

19. Having regard to the facts and circumstances of the case and for the foregoing reasons, we find that the Ld. CAT has erred in passing the impugned judgment dated 19.8.2025 by misconstruing the basic issue involved in the present case, as has been discussed at length in the preceding paragraphs, hence we are of the view that the impugned judgment dated 19.8.2025 requires interference, thus the same is set aside and the order dated 6.2.2025, passed by the Petitioner No. 5, as contained in

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covering letter dated 7.2.2025 is restored.

20. The writ petition stands allowed.

(Mohit Kumar Shah, J)

(Alok Kumar Pandey, J)

Ajay/-

AFR/NAFR	AFR
CAV DATE	06.01.2026
Uploading Date	03.04.2026
Transmission Date	NA

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