



IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). _____ OF 2025
(Arising out of SLP(C) No(s). 7418 of 2022)

SHYAM NANDAN MEHTA

... APPELLANT

Versus

SANTOSH KUMAR & ORS.

... RESPONDENTS

J U D G M E N T

PRASHANT KUMAR MISHRA, J.

Leave granted.

2. The appellant would call in question the impugned judgment dated 10.02.2022 passed by the Division Bench of the High Court of Jharkhand at Ranchi dismissing his Letter Patent Appeal affirming the order dated 22.02.2021 passed by the learned Single Judge declaring the appointment of the

appellant to be illegal making him liable to be terminated from service forthwith and directed the State to conclude the verification of the relevant documents of the concerned for consideration of the writ petitioner's case for appointment on the post of Assistant Teacher.

3. The issue relates to the appointment on the post of Intermediate Trained Assistant Teacher¹ for the district of Palamau consequent to Advertisement No. 03/Palamau/2015 dated 04.07.2015. At the end of selection process, the writ petitioner/respondent no. 1 herein, secured 65.496 marks whereas the appellant/respondent no. 7 in the writ petition secured 68.125 marks. Thus, on the strength of his merit position, the appellant was declared successful and appointed as Assistant Teacher.

4. After two years from the date of appointment of the appellant, a writ petition was preferred by the first respondent *inter alia* alleging that the appointment of the appellant/respondent no. 7 is based on manipulation in TET examination certificate wherein he has shown his caste status

¹ "Assistant Teacher"

under Most Backward Class² (MBC) category whereas in the selection process he has shown himself to be Backward Class³(BC) category. In respect of other respondent nos. 8 to 10 (in the writ petition) it was stated that even though they have been appointed under handicapped category, yet their appointment also suffers from manipulation and illegality done in the selection process.

5. The selected candidates contested the writ petition by raising the defence *inter alia* that respondent no. 7 (appellant herein) belongs to BC-II category as is evident from the caste certificate dated 03.02.2001 but due to inadvertent mistake his category has been mentioned as 'MBC' in the TET certificate issued by the Jharkhand Academic Council⁴ and that the appellant is positioned ahead of the writ petitioner/respondent no.1 having secured more marks than him in the selection process. According to the appellant/respondent no. 7, the advertisement would make it evident that the vacancy position under the 'BC' category is less in number when compared with 'MBC' category, therefore,

² 'MBC'

³ 'BC'

⁴ 'JAC'

respondent no. 1 has not derived any benefit due to the discrepancy in mentioning 'MBC' in the certificate issued by the JAC and 'BC' category in which the petitioner/respondent no. 1 appeared in the selection process.

In respect of other private respondents arrayed as respondent nos.9,10 & 11 herein (respondent nos. 8,9 & 10 in the writ petition) it was submitted that they were appointed under handicapped category and that they are fully eligible for appointment in the category in which they have applied and selected on their own merit.

6. The Writ Court allowed the writ petition, and the Division Bench affirmed the order on the ground that the 1st respondent has committed manipulation in procuring the TET certificate showing himself to be the member of 'MBC' category while offering his candidature in the selection process as 'BC' category and secured appointment. The appointment of other private respondents has been set aside on the ground that respondent no. 8 (Vijay Kumar Gupta) has appeared in the TET examination as a non-handicapped candidate whereas in the

selection process he has been selected under the handicapped category, therefore, his appointment is illegal.

7. Assailing the impugned judgment, Mr. Ajit Kumar Sinha, learned senior counsel appearing for the appellant would submit that the appellant committed unintentional error by mentioning his caste as 'MBC' instead of 'BC' while submitting the form for TET examination in the year 2012. The same occurred due to bifurcation of 'OBC' into 'BC' and 'MBC' by the State Government. It is also submitted that the appellant had correctly submitted the TET certificate indicating 'MBC' as his category. It is further argued that the TET certificate confirms the candidate's eligibility for applying for teaching posts and is not intended to determine caste-based reservation benefits or categorization. It is strenuously argued that in the subject recruitment, more number of posts were advertised for 'MBC' category whereas the appellant being a 'BC', applied in this category to compete for lesser number of vacancies. Thus, the appellant has never tried or succeeded in gaining undeserving benefit in the selection process. It is lastly submitted that having been appointed in the year 2015 the appellant is

continuously working, therefore, he being more meritorious than the first respondent/writ petitioner, the impugned order deserves to be set aside.

8. *Per contra*, Mr. Nikhil Goel, learned senior counsel appearing for respondent no. 1/writ petitioner would submit that the appellant obtained 'OBC' certificate on 03.02.2001 and revised caste certificate was issued in his favour for Backward Class on 14.12.2013 whereas in the TET examination he appeared as 'MBC' candidate, therefore, there is clear contradiction and manipulation in his TET certificate which is a necessary qualification for appointment, therefore, the Writ Court has rightly set aside the appellant's appointment. It is the specific stand of the first respondent in the note submitted before this Court that the National Council for Teacher Education's guidelines of conducting TET examination dated 11.02.2011 do not prescribe annexing the caste certificate. Thus, the appellant's act of mentioning his caste 'MBC' in the TET application form is his own declaration. Thus, the appellant had claimed to belong to different category in two different

examinations evidencing manipulation in the recruitment process.

9. Learned counsel for JAC (respondent no. 8) has submitted that once the appellant obtained TET certificate under a particular category, he is not permitted to change his category without correction of TET certificate. It is submitted that same cutoff marks in the TET examination for 'BC' & 'MBC' for the subject TET examination of 2012 would hardly make any difference for the reason that 'MBC' category is a more privileged class than the 'BC' category. The appellant with an eye over privileges available to 'MBC' category cleared TET examination as 'MBC' candidate and has secured appointment as 'BC' candidate which is wholly impermissible.

10. We have heard learned counsel for the parties at length and perused the record, particularly, the original record of the subject recruitment consisting of appellant's application and the documents annexed thereto. The record contains three photo copies of TET certificates produced by the appellant out of which two certificates mention his category as 'MBC' whereas one photocopy mentions his category as 'BC'. The

record also contains the caste certificate dated 14.12.2013 in which the appellant is declared to be belonging to 'BC' category. The original certificates were produced at the time of counselling. The present is not a case where there is any allegation against the appellant either by the JAC or by the recruiting agency that the appellant has fraudulently declared his caste status as 'MBC' though he actually belongs to 'BC'. It is an admitted position that neither at the time of TET examination nor in the present recruitment, the appellant has secured undue advantage or favour by showing his caste status as 'MBC' or 'BC' as the case may be. It is also an admitted position as mentioned in para 7 of the written submissions of JAC (respondent no. 8) that in the relevant year the cutoff marks for clearing TET examination were same for 'BC' and 'MBC' categories. Likewise in the present recruitment the appellant has secured more marks than respondent no.1 (writ petitioner). He has not obtained any weightage of marks or relaxation by claiming to be belonging to 'BC' category which is his actual caste category. The genuineness of his caste certificate is also not questioned by any of the respondents.

11. The writ petition was preferred on the allegation that the appellant has committed manipulation. However, there is no evidence that the appellant has committed any manipulation in the present recruitment process. The Division Bench has not gone into the issue of manipulation, but the impugned judgment is founded on Clause 20 of the advertisement which imposed a duty on the applicant to provide correct information. It is not the case of the recruiting agency that the appellant has submitted any incorrect information while submitting his application form in the present recruitment. The original record contains the photocopies of the TET examination certificate submitted by the appellant and the original of which was submitted at the time of counselling. Thus, the appellant has not submitted any incorrect information at the time of counselling. The recruiting agency has not cancelled the appellant's appointment on the allegation of submitting incorrect information. It is for the recruiting agency to take action against any candidate if incorrect information is supplied. The same cannot be made a foundation for allowing the writ petition when the said information does not affect the candidate's eligibility to appear in the examination. The present

is not a case of submission of false certificates of qualifying examination or a false caste certificate.

12. Thus, in our considered view, the High Court has wrongly set aside the appellant's appointment. We, accordingly, allow the appeal and set aside the impugned order.

No order as to cost.

.....J.
(DIPANKAR DATTA)

.....J.
(PRASHANT KUMAR MISHRA)

APRIL 29, 2025
NEW DELHI.