

**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL**

**Special Appeal No.300 of 2025**

Virendra Singh Negi ..... Appellant

Vs.

State of Uttarakhand and others .....Respondents

&

**Special Appeal No.301 of 2025**

Birendra Singh ..... Appellant

Vs.

State of Uttarakhand and others .....Respondents

&

**Special Appeal No.302 of 2025**

Lokendra Prasad ..... Appellant

Vs.

State of Uttarakhand and others .....Respondents

&

**Special Appeal No.303 of 2025**

Ram Singh Panwar ..... Appellant

Vs.

State of Uttarakhand and others .....Respondents

&

**Special Appeal No.304 of 2025**

Ranbeer Singh Panwar ..... Appellant

Vs.

State of Uttarakhand and others .....Respondents

&

**Special Appeal No.305 of 2025**

Gajendra Pal Singh ..... Appellant

Vs.

State of Uttarakhand and others .....Respondents

&

**Special Appeal No.306 of 2025**

Upendra Singh ..... Appellant

Vs.

State of Uttarakhand and others .....Respondents

&

**Special Appeal No.307 of 2025**

Samarveer Singh Bisht ..... Appellant

Vs.

State of Uttarakhand and others .....Respondents

&

**Special Appeal No.308 of 2025**

Jagdamba Prasad Nautiyal ..... Appellant

Vs.

State of Uttarakhand and others .....Respondents

&

**Special Appeal No.309 of 2025**

Shyam Singh Panwar ..... Appellant

Vs.

State of Uttarakhand and others .....Respondents

&

**Special Appeal No.310 of 2025**

Jai Prakash Vyas ..... Appellant

Vs.

State of Uttarakhand and others .....Respondents

Presence:

Mr. Sanjay Bhatt and Mr. P.P. Bhatt, learned counsel for the appellants.  
Mr. B.S. Parihar and Mr. S.S. Chaudhari, learned Addl. C.S.C. for the State.

Judgment reserved on: 26.09.2025

Judgment delivered on: 07.10.2025

**Coram: Hon'ble Ravindra Maithani, J.**  
**Hon'ble Alok Mahra, J.**

**Hon'ble Alok Mahra, J. (Per)**

Since common questions of law and fact are involved in these special appeals, therefore they were heard together and are being decided by a common judgment. However, for the sake of brevity, facts of SPA No.300 of 2025 alone are being considered and discussed here.

2. The present special appeal has been filed by the appellant to set aside the impugned judgment and order dated 10-09-2025 passed by the learned Single Judge in Writ Petition No. 58 (S/S) of 2025 titled as "Virendra Singh Negi Versus State of Uttarakhand and others".

3. The appellant has filed the writ petition before the learned Single Judge, for the following reliefs:

“i. Issue a writ, order or direction in the nature of certiorari to quash the impugned charge sheet dated 30-12-2024 (copy Annexure No. 9 to the Writ Petition) with all consequential disciplinary proceedings initiated pursuant thereto.

ii. Issue a writ, order or direction in the nature of mandamus directing the respondents not to take any coercive action against the Petitioner pursuant to charge sheet dated 30-12-2024.”

4. Briefly stated, the facts are that the appellant obtained a Bachelor of Education degree, styled as *Shikshalankar*, from Rashtriya Patrachar Sansthan, Kanpur, Uttar Pradesh. In the year 2004, an advertisement was issued by the District Education Officer, Uttarkashi, inviting applications for appointment to the post of Assistant Teacher in Primary Schools. The essential qualification prescribed therein was a Bachelor's degree along with B.Ed. The application of the appellant was initially rejected; however, pursuant to orders passed by this Court in Writ Petition No.1305 of 2004, his application was entertained and he was deputed for Special B.T.C. Training. Thereafter, pursuant to further orders passed in Writ Petition No.3016 of 2006 (SS), the appellant was provisionally appointed as Assistant Teacher on 31.07.2006, subject to verification of original certificates and mark sheets.

5. After rendering service for nearly two decades and being promoted as Head Master, the appellant was served with a charge sheet by the District Education Officer (Elementary), Uttarkashi. The sole allegation therein was that his B.Ed. degree from Rashtriya Patrachar Sansthan, Kanpur, was invalid since the said institution was neither recognized by the University Grants

Commission (UGC) nor by the National Council for Teacher Education (NCTE).

6. Aggrieved, the appellant filed a writ petition challenging the charge sheet. The learned Single Judge dismissed the writ petition holding it to be premature, relying upon the judgment of the Hon'ble Supreme Court in *Union of India & Another v. Kunisetty Satyanarayana*, (2006) 12 SCC 28. The learned Single Judge held that issuance of a charge sheet does not affect the rights of an employee, as no civil consequence ensues therefrom, and the validity of the degree could only be examined in the disciplinary enquiry.

7. Learned counsel for the appellant contends before us that the charge sheet could not have been issued after the appellant had rendered more than 20 years of blemish-free service. It is submitted that the respondents themselves had verified the appellant's degree both at the time of his initial appointment as Assistant Teacher and at the time of his promotion as Head Master. It is further urged that in earlier writ proceedings, the respondents had filed a counter affidavit wherein they accepted the validity of the degree in question. In such circumstances, the respondents are estopped from questioning the genuineness of the appellant's qualification at this belated stage. Reliance has been placed on the judgment of the Hon'ble Supreme Court in *Nagar Singh & Ors. v. State of U.P. & Ors.* (Civil Appeal No.3904 of 2013, decided on 14.07.2017), wherein it was held that the service of an employee cannot be unsettled after a long lapse of time.

8. Per contra, learned counsel for the State has supported the order of the learned Single Judge. He submits that the B.Ed. degree awarded by Rashtriya Patrachar Sansthan, Kanpur, is not recognized by the UGC or NCTE, and as such the appellant did not possess the requisite qualification for appointment as a teacher. He argues that the mere issuance of a charge sheet causes no prejudice to the appellant and does not give rise to any cause of action. It is open to the appellant to raise all objections before the Inquiry Officer in the departmental enquiry.

9. We have carefully considered the rival submissions of learned counsel for the parties and perused the record.

10. The law as laid down by the Hon'ble Supreme Court in *Kunisetty Satyanarayana* (supra) is clear that the mere issuance of a charge sheet does not give rise to any cause of action, for the reason that it is not an adverse order affecting the rights of any employee. It is only when a final order imposing punishment or otherwise causing civil consequences is passed, that the employee acquires a right to challenge the same. The only exception carved out by the Hon'ble Supreme Court is where the charge sheet is issued by an authority lacking jurisdiction.

11. In the present case, the charge sheet was issued by the Deputy Education Officer, Mori, District Uttarkashi. It is not the appellant's case that the said authority lacked jurisdiction to issue the charge sheet. Thus, the challenge to the charge sheet on the ground of lack of jurisdiction is not available to him.

12. The core contention of the appellant is that the validity of his B.Ed. degree has already been accepted by the respondents at earlier stages and that, having rendered more than 20 years of service, his appointment cannot now be unsettled. In our view, such contentions are squarely within the domain of the disciplinary authority and the Inquiry Officer. The departmental enquiry is the proper forum where the appellant may raise all objections, produce material, and seek to establish the validity of his qualification. This Court, while exercising jurisdiction under Article 226, cannot assume the role of an Inquiry Officer or disciplinary authority and undertake an examination of the truth or falsity of the charges.

13. The reliance placed by the appellant on *Nagar Singh* (supra) is misplaced. In that case, the Hon'ble Supreme Court dealt with a situation where employees had been in service for decades without any allegation of misconduct, and their appointments were sought to be annulled belatedly. In the present case, however, the departmental enquiry has only been initiated by issuance of a charge sheet and the correctness of the appellant's degree is yet to be determined. The principle laid down in *Nagar Singh* cannot be extended to quash a charge sheet at its threshold.

14. In view of the settled position of law, we find ourselves in agreement with the reasoning of the learned Single Judge. The writ petitions were rightly dismissed as premature, leaving it open to the appellants to participate in the departmental proceedings and raise all their defences before the Inquiry Officer.

15. Accordingly, the appeals are dismissed. However, it is clarified that the appellants shall be entitled to raise all pleas available to them in accordance with law before the Inquiry Officer and the same shall be considered by the disciplinary authority on its own merits, uninfluenced by any observation made herein.

(Alok Mahra, J.)  
07.10.2025

(Ravindra Maithani, J.)  
07.10.2025

BS