

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

THURSDAY, THE TWENTY SEVENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN**

WRIT PETITION NO: 35191 OF 2025

Between:

Pawar Subash, S/o. Pawar Roopla, Aged about 41 years, Occ. Work Assistant/A (under the order of termination Nuclear Fuel Complex, ECIL (Post) Hyderabad, R/o. H. No. 5-89, Chimangudi, Srikonda Mandal, Adilabad - District - 504307, Telangana.

...PETITIONER

AND

1. The Union of India, Rep. by its Secretary, Government of India, Department of Atomic Energy Anushakthi Bhavan, CSM Marg, Mumbai.
2. The Chief Executive, Nuclear Fuel Complex, ECIL (Post), Hyderabad - 500062.
3. The Deputy Chief Executive (Admin), Nuclear Fuel Complex, ECIL Post Hyderabad - 500062.
4. The Administrative Officer - III, Nuclear Fuel Complex, ECIL, Post, Hyderabad - 500062.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an order or direction more particularly one in the nature of Writ of CERTIORARI By call for the records pertaining to the impugned order dated 04/09/2025 in O.A.No.021/00478/2022 on the file of Central Administrative Tribunal, Hyderabad Bench, at Hyderabad rejecting the claim of the applicant for reinstatement for the post i.e., attendant/A (which was later re-designated as work Assistant A) in the 2nd respondent company and set-aside the same as illegal, arbitrary and violative of Article 14 and 16 of the Constitution of India and contrary to legal position as obtained in catena of judgments and consequently declare that the applicants is entitled for reinstate w.e.f., 27/05/2013 with all

consequential benefits such as reinstatement, pay and allowances, seniority and further promotions on par with his juniors in the interest of justice

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to reinstate the petitioner for the post of for the post i.e., attendant/A (which was later re-designated as work Assistant A) with all consequential benefits such as reinstatement, pay and allowances, seniority and further promotions on par with his juniors in the interest of justice

Counsel for the Petitioner: SRI. MOGILI ANAVENI

Counsel for the Respondents: SRI N. BHUJANGA RAO

Deputy Solicitor General of India

The Court made the following: ORDER

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN**

WRIT PETITION No.35191 of 2025

DATE: 27.11.2025

BETWEEN:

Pawar Subash.

....Petitioner

AND

The Union of India and 3 others.

....Respondents

ORDER

The present Writ Petition filed under Article 226 of Constitution of India assails the order dated 04.09.2025 passed by the Central Administrative Tribunal, Hyderabad Bench, Hyderabad (hereafter 'the Tribunal' for brevity) in O.A.No.021/00478/2022 whereby the Tribunal dismissed the said O.A filed by the petitioner by confirming the order dated 30.04.2022 passed by the respondents, rejecting the petitioner's claim for reinstatement to the post of Attendant/A (later re-designated as Work Assistant/A) with effect from 27.05.2013. The petitioner seeks a Writ of Certiorari to

quash the order of the Tribunal and a consequential relief of reinstatement with pay and allowances, seniority and promotions from 27.05.2013.

Factual matrix (in brief)

2. To appreciate the facts involved in the present Writ Petition in a proper perspective, it is apposite to enlist the chronology of events.

S.No.	Date	Event	Description
1.	2003	Petitioner passed SSC	-
2.	2006	Petitioner passed Intermediate	-
3.	-	Respondents issued Advertisement No.NFC/01/2010	-
4.	26.07.2010	Application Submitted by the petitioner	Petitioner submitted his application for the post of Attendant/A (Work Assistant/A) in response to the Advertisement No.NFC/01/2010, declaring SSC qualification.
5.	03.03.2013	Written Examination	Petitioner appeared for the written examination.
6.	20.03.2013	Interview and Declaration	Petitioner declared qualification as 'Intermediate discontinued' and that his qualification is 'only SSC'.
7.	22.04.2013.	Further Undertaking	Petitioner submitted another undertaking affirming SSC as highest qualification.
8.	24.04.2013	Offer Appointment of	Petitioner received offer of <i>ad hoc</i> appointment.

9.	21.05.2013	Appointment order	Formal appointment order issued to the petitioner with a warning therein that suppression of facts would lead to termination.
10.	25.05.2013	Disclosure	Petitioner declared that he had actually passed Intermediate in 2006.
11.	27.05.2013	Termination	Services of the petitioner were terminated for suppression of factual information.
12.	28.01.2022	CAT Order (First Round)	CAT set aside termination in O.A.No.1322 of 2015 and directed reconsideration.
13.	30.04.2022	Order after reconsideration	NFC (Employer) issued fresh speaking order rejecting petitioner's claim, citing repeated false declarations.
14.	27.06.2022	Contempt Petition closed.	CAT closed C.P.No.31 of 2022 noting compliance and granting liberty to challenge the new order.
15.	04.09.2025	CAT Order (Second Round)	CAT dismissed O.A.No. 021/00478/2022 upholding termination for willful suppression.
16.	18.11.2025	Writ Petition filed.	Petitioner filed present Writ Petition challenging Tribunal's order dated 04.09.2025 in O.A.No.021/00478/2022.

i. As can be seen from the table above, the respondents issued Advertisement No.NFC/01/2010 (Ex.P7; Page No.40) inviting applications for various posts including the post of Attendant/A (later re-designated as Work Assistant/A) under category No.6. The prescribed qualification for the said post was "tenth pass (SSC)".

ii. The petitioner who had passed tenth class (SSC) in the year 2003 (Ex.P6; Page No.38) and Intermediate in the year 2006 (Ex.P6; Page No.39) applied for the said post on 26.07.2010. In his application, the petitioner declared his qualification as 'tenth pass (SSC)', even though the petitioner had already passed Intermediate in the year 2006.

iii. Based on this declaration, the petitioner was shortlisted and appeared for written examination on 03.03.2013 with Roll.No.07727 (Ex.P8; Page No.45 and 46). The petitioner subsequently attended an interview on 20.03.2013 and on the said date, he declared his qualification as 'Intermediate discontinued' *vide* declaration dated 20.03.2013. The petitioner subsequently submitted another undertaking on 22.04.2013 affirming SSC as his highest qualification.

iv. Based on this declaration, the petitioner was provisionally selected and issued an offer of appointment dated 24.04.2013 on an *ad hoc* basis (Ex.P10; Page No.50) was issued to the petitioner.

v. The petitioner was issued a formal appointment order dated 21.05.2013 (Ex.P11; Page No.51) wherein it is

specifically mentioned, that the offer of appointment for the post of Work Assistant/A shall be *inter alia* subject to the following condition (iii) extracted as under:

“iii) Your appointment on regular basis will be subject to verification of Character and Antecedents by the concerned authorities. If any of the information furnished by you is proved wrong, or if it is detected that you have submitted false documents or suppressed information, your services are liable to be terminated and action as deemed fit will be initiated against you”.

vi. On 25.05.2013, the petitioner submitted a declaration, disclosing that the petitioner had actually passed Intermediate examination in the year 2006.

vii. Treating this as willful suppression of ‘material information’ at the stage of application and during subsequent verification process, the respondents terminated the *ad hoc* services of the petitioner *vide* order dated 27.05.2013 (Ex.P4; Page No.36) as per clause (iii) of the offer of appointment dated 21.05.2013 extracted above.

viii. The petitioner challenged the termination order before the Tribunal in O.A.No.021/1322/2015. By order dated 28.01.2022 the Tribunal has set aside the termination order and remanded the matter, directing the respondents to

reconsider the aspect of keeping the petitioner in public employment, for which he is otherwise qualified, and to pass a speaking order.

ix. The order of Tribunal dated 28.01.2022 was in the light of the judgment of Hon'ble Supreme Court in ***Puneet Sharma and others v. State of Himachal Pradesh***¹. The respondents upon reconsideration of the matter, passed a detailed speaking order dated 30.04.2022 (Ex.P3; Page No.33 to 35) that the petitioner was unsuitable for public employment, reiterating that the petitioner has deliberately and repeatedly suppressed his higher qualification in the application form, undertaking and declaration. The respondents concluded that the act of suppression clearly exhibited lack of integrity of the petitioner which makes the petitioner unsuitable for public employment and rejected the claim of the petitioner.

x. Thereafter, the petitioner challenged the order dated 30.04.2022 passed by respondents in fresh O.A.No.021/00478/2022. The Tribunal, after a detailed examination, dismissed the said O.A *vide* impugned order dated 04.09.2025

¹ (2021)16 SCC 34

(Ex.P1; Page Nos.14 to 23). The Tribunal concurred with the findings of the respondents which held that the petitioner's suppression was intentional and deliberate. It also noted that the respondents had screened out several other candidates, who were possessing higher qualifications; and that granting any special consideration to the petitioner would be unjustified, particularly since he had attempted to secure his appointment on the basis of a false declaration. Further, it would be highly discriminatory to those candidates who were eliminated merely on account of possessing higher qualification and making a truthful declaration.

3. Heard Sri Narsimulu Neeli, learned counsel representing Sri Mogili Anaveni, learned counsel for the petitioner and Sri N.Bhujanga Rao, learned Deputy Solicitor General of India appearing for the respondents and perused the record.

Submissions on behalf of the petitioner

4. Sri Narsimulu Neeli, learned counsel for the petitioner has advanced the following submissions:

- i. That the prescribed qualification for the post of Work Assistant/A was tenth pass (SSC), which the petitioner

possessed. The suppression, if any, was not of a 'material fact'. The possession of a higher qualification by the petitioner is not a disqualification, as held by the Hon'ble Supreme Court in the cases of **Puneet Sharma** (supra 1) and **Avtar Singh v. Union of India and others**².

- ii. The termination of services of the petitioner on account of the petitioner possessing the Intermediate qualification is shockingly disproportionate and violative of Articles 14, 16 and 21 of Constitution of India.
- iii. The petitioner belongs to a Scheduled Tribe and hails from a remote area and did not possess the requisite awareness regarding procedural formalities. The subsequent disclosure by the petitioner on 25.05.2013 of having passed Intermediate was voluntary and demonstrated the petitioner's *bona fides* and there was no fraudulent intention on the part of the petitioner.
- iv. The respondents while passing the order dated 30.04.2022 failed to genuinely reconsider the matter in the spirit of the Tribunal's remand order dated 28.01.2022 and the

² (2016) 8 SCC 471

judgment of the Hon'ble Supreme Court in the cases of **Puneet Sharma** (supra 1) and **Avtar Singh** (supra 2).

v. The learned counsel for the petitioner relied upon the following Judgments which were also relied upon by the petitioner in the O.A. as under :

- a) **Mary Sai Kumari v. Regional Manager, State Bank of India, Vijayawada and others**³ wherein High Court of Andhra Pradesh held that 'higher education is not disqualification for applying to a post.
- b) **W.P.No.50850 of 2003 (S-CAT) and Chief Administrative Officer, BARC, Mysore and others v. G.Maruthi** in W.P.No.20328 of 2004 (S-CAT) of High Court of Karnataka.
- c) **Life Insurance Corporation of India and others v. Triveni Sharan Mishra** (Civil Appeal No.2334 of 2007) and **Avtar Singh** (supra 2), wherein the Hon'ble Apex Court distinguished the misconduct relating to suppression of material information from non-disclosure of higher qualification.

vi. Learned counsel also contended that the non-disclosure of higher qualification is a completely different aspect from suppression of material information.

³ 1994 (3) ALT 350

vii. Learned counsel for the petitioner contended that the order of the Tribunal was passed in a mechanical manner without properly appreciating the facts; and without properly applying the correct legal principles. The impugned order was passed on a misapplication of law without properly appreciating the earlier order of the Co-ordinate Bench in O.A.No.1332 of 2015.

Submissions on behalf of the respondents

5. Learned Deputy Solicitor General of India supported the impugned order of the Tribunal dated 04.09.2025 with the following submissions:

- i. The suppression by the petitioner was not a one-time omission; it is wilful and repeated. The petitioner had declared that he had only passed tenth Class (SSC) in his application dated 26.07.2010; repeated it in the declaration dated 20.03.2013; and gave an undertaking dated 22.04.2013 to that effect.
- ii. It is contended that the said conduct of the petitioner established a consistent pattern of wilful misrepresentation of 'material facts'. That the respondents had the right to restrict

candidates based on qualifications, higher than the minimum, due to overwhelming number of applications received, which the respondents did.

iii. It is also contended that approximately 45% (about 14,000) of the candidates with higher qualifications were screened out. However, the petitioner by suppressing his possession of higher qualification bypassed the legitimate screening/filter and gained an unfair advantage on account of wilful and deliberate misrepresentation. The learned counsel further contended that the fact of possessing a higher qualification was material to the process of selection.

iv. The learned Deputy Solicitor General of India contended that public employment demands utmost integrity right from the outset. It is contended that the petitioner's conduct in knowingly furnishing incorrect information repeatedly on multiple occasions, clearly demonstrated a lack of integrity, which is a valid ground to deny employment of the petitioner.

v. The learned counsel argued that the judgments in the cases of **Puneet Sharma** (supra 1) and **Avtar Singh** (supra 2)

are distinguishable. It is apposite to extract the relevant portion of the Judgment in ***Avtar Singh v. Union of India and others*** (supra 2) which is as under:

"27. Suppression of 'material' information presupposes that what is suppressed that 'matters' not every technical or trivial matter. The employer has to act on due consideration of rules/instructions if any in exercise of powers in order to cancel candidature or for terminating the services of employee. Though a person who has suppressed the material information cannot claim unfettered right for appointment or continuity in service but he has a right not to be dealt with arbitrarily and exercise of the power has to be in reasonable manner with objectivity having due regard to facts of cases."

- vi. Learned counsel contended that the case of ***Puneet Sharma*** (supra 1) was rendered in the background of facts, where the higher qualification was disclosed later, and where higher qualification was not used as a filter in the recruitment process, unlike in the present case.
- vii. The learned counsel further contended that the principle laid down in the case of ***Avtar Singh*** (supra 2) that, suppression must be "material information" is fulfilled in the present case inasmuch as the respondents clearly stated that the policy of screening was based on higher qualification to manage the volume of applications. Learned counsel asserted that the information suppressed in the present case was unequivocally material, and as such, the exception provided in

Avtar Singh (supra 2) would not advance the case of the petitioner.

viii. It is also contended that the petitioner was given ample opportunity and the order dated 30.04.2022 is a detailed, well reasoned and a speaking order, fully complying with the Tribunal's direction to reconsider the matter and pass a speaking order; and that the petitioner was not dealt with arbitrary. It is further contended that the order dated 30.04.2022 was a reasonable and objective order, fully compliant with the principles of natural justice.

Analysis and reasoning

6. We have carefully considered the pleadings, material on record, the order of the Tribunal and respective submissions on behalf of both the parties.

7. The core question involved in the present Writ Petition is whether the non-disclosure by the petitioner of his Intermediate qualification, when the advertised post required only tenth pass (SSC), constitutes suppression of 'material information' warranting termination of his *ad hoc* appointment and rejection of his candidature?

8. It is trite law that every suppression is not fatal; suppression must be of a 'material fact'; the test of what constitutes a 'material fact' is context specific. The advertisement contains a crucial note pertaining to the posts in category-6, which is extracted hereunder:

Note:

The prescribed educational qualifications are minimum and mere possession of the same does not entitle candidates to be called for written examination/interview. Where number of applications received in response to the advertisement is large and it will not be convenient or possible to hold written examination/interview for all of them, NFC reserves the right to restrict the number of candidates to a reasonable limit on the basis of marks and experience higher than the minimum prescribed in the advertisement.

The respondents reserved to themselves the right to restrict the number of candidates on the basis of marks and experience higher than the minimum prescribed in the advertisement.

9. The respondents have placed on record that due to a large volume of applications, the respondents exercised the right to restrict the number of candidates on the basis of higher qualification and screened out approximately 45% (about 14,000) candidates who possessed qualification above SSC. This was a legitimate exercise of administrative discretion, to ensure a manageable selection process.

10. In view of the above, the petitioner's Intermediate qualification was not irrelevant. It was a specific criteria that would have and in case of 45% of applications, did lead to the application being screened out at the initial stage itself. Further, by declaring that the petitioner only possessed SSC qualification, the petitioner circumvented the screening process. The petitioner secured a place in the written examination and the subsequent process, which he might not have secured in the event of his having made a truthful declaration of possessing Intermediate qualification. This gave petitioner an unfair advantage over other candidates, who truthfully declared their higher qualification and were consequently excluded. If the said conduct of the petitioner were to be ignored, it would tantamount to placing a premium on an illegal act.

11. In matters of public employment, the process must be fair, transparent and equitable to all candidates. The candidate who gains access through suppression or misrepresentation taints the entire process. The suppression in the case of the petitioner was not about the eligibility. Infact, the petitioner was eligible in view of his possessing tenth pass (SSC), but about

the process of selection where other candidates were screened out on account of possessing the higher qualification of Intermediate. In this context, petitioner's suppression of fact that he possessed the Intermediate qualification assumes significance as a 'material fact'.

12. The petitioner's conduct of suppression/misrepresentation was not a single, inadvertent error. It was a sustained course of conduct over three years. The petitioner initially, while submitting his application for the post of Attendant/A (Work Assistant/A) declared only SSC as his qualification; the petitioner subsequently at the time of interview on 20.03.2013 declared that his qualification was Intermediate discontinued; Even in the undertaking dated 22.04.2013 the petitioner declared SSC as his highest qualification. This repeated affirmation of falsehood, despite clear warnings in the notification and the forms, about the consequences of suppression, cannot be considered as innocence or lack of awareness. It demonstrates a deliberate attempt to conceal information, which would have been detrimental to his chances of getting employment.

13. A voluntary disclosure of the petitioner on 25.05.2013 after his *ad hoc* appointment and likely upon realizing that the verification would exposes the truth, cannot obliterate the previous deliberate and wilful misrepresentation/suppression.

14. The precedents relied upon on behalf of the petitioner are clearly distinguishable. The Hon'ble Supreme Court has held that a higher qualification cannot be detrimental. However, the Hon'ble Supreme Court in **Puneet Sharma** (supra 1) was not dealing with a scenario where the employer explicitly used the higher qualification as a filter for shortlisting, due to the excessive number of applications. In this regard, the ratio of **Puneet Sharma** (supra 1) is not applicable to the different factual matrix of the present case.

15. The Hon'ble Supreme Court in the case of **Avtar Singh** (supra 2) held that not every suppression is material. The Hon'ble Supreme Court also held that the employer must examine the facts of each case and take a reasonable and objective decision, rather than acting arbitrarily, in cancelling candidature or terminating service. The respondents, in the present case have done precisely that, in their speaking order, by detailing as to why suppression was 'material' in the present

recruitment process, in the facts and circumstances of the present case. Further, the ratio of **Avtar Singh** (supra 2) does not mandate reinstatement ignoring suppression of material facts, it mandates a reasoned consideration, which in the present case, has been provided. The Judgment in the case of **Mary Sai Kumari** (supra 3) while laying down the proposition that higher qualification is not a bar, does not and cannot provide license to the candidates who wilfully misrepresented their educational profile during the selection process to continue in employment.

16. The Tribunal, in our view, rightly upheld the termination noting that allowing the petitioner to continue in employment notwithstanding the wilful suppression of higher qualification would be discriminatory against those who were screened out on account of possessing the higher qualification.

17. It is also pertinent to note that integrity is of paramount importance in matters of public employment. The person who begins his association with the employer through repeated misrepresentations demonstrates a lack of necessary probity for public employment.

18. The petitioner's punishment of termination of *ad hoc* service and cancellation of candidature, in the facts and circumstances of the present case, is not disproportionate. It is a direct consequence of the condition stipulated in the appointment letter, which the petitioner accepted. The punishment imposed, in our view, upholds the sanctity of the recruitment process.

19. In view of the above mentioned consideration, we find no perversity, illegality or jurisdictional error in the impugned order dated 04.09.2025 passed by the Tribunal. The Tribunal conducted a proper and thorough analysis, correctly applied the law to the facts and arrived at a conclusion that is neither arbitrary nor capricious. The finding that there was suppression of material fact by the petitioner and that it was intentional is based on evidence, with which we find no reason to interfere, in exercise of the writ jurisdiction.

20. In view of the above discussion and for the foregoing reasons, we hold that the Writ Petition is devoid of merits and the same is liable to be dismissed.

21. Accordingly, the Writ Petition is dismissed.. There shall be no order as to costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

SD/-S. MALLIKARJUNA RAO
ASSISTANT REGISTRAR

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SECTION OFFICER

To,

1. One CC to SRI. MOGILI ANAVENI ,Advocate [OPUC]
2. One CC to SRI. N. BHUJANGA RAO, Deputy Solicitor General of India [OPUC]
3. Two CD Copies

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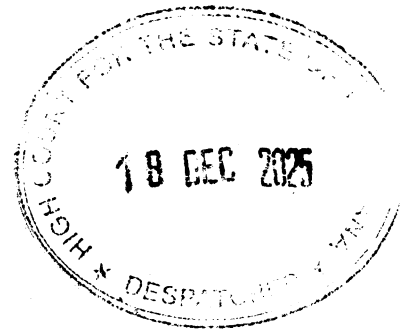
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HIGH COURT

DATED:27/11/2025

ORDER

WP.No.35191 of 2025



DISMISSING THE WRIT PETITION WITHOUT COSTS

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