

IN THE HIGH COURT OF MADHYA PRADESH
PRINCIPAL SEAT AT JABALPUR

Writ Petition No. 43446 /2025

PETITIONER:

Subhash Chandra S/o Late Chhedilal, aged about 75 years, Occupation: Retired Gazetted Officer, Vehicle Factory Jabalpur R/o P46, Jawahar Nagar, Adhartal, District Jabalpur (M.P.)

Versus

RESPONDENTS:

1. The State of Madhya Pradesh, through Principal Secretary, Department of Public Health and Medical Education, Vallabh Bhawan, Bhopal (M.P.).
2. National Health Mission, Madhya Pradesh, through its Director, Link Road 3, Patrakar Colony, District Bhopal (M.P.)
3. Additional Mission Director, National Health Mission, Madhya Pradesh, Link Road No.3, Madhav Rao Sapre Marg, District- Bhopal (M.P.)
4. The Chief Medical and Health Officer, Jabalpur, Seth Govind Das Hospital, Jabalpur, District Jabalpur(M.P.)

Presented on 04-11-25
 By A. Singh
 Presentation/Receiving Assistant



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5. Madhya Pradesh State Open School Education Board through its Director, Madhyamik Shiksha Mandal Campus, Shivaji Nagar, Bhopal (M.P.)
6. Assistant Director (Examination II) M.P. Open State Board, Madhyamik Shiksha Mandal Campus, Shivaji Nagar, Bhopal (M.P.)
7. Public Information Officer, M.P. Open State Board, Madhyamik Shiksha Mandal Campus, Shivaji Nagar, Bhopal (M.P.)
8. The Special Police Establishment, Lokayukta, Madhya Pradesh through its Secretary, Lokayukta Bhawan, Idgah Hills, District Bhopal (M.P.)
9. Shri Vijay Pandaey S/o Shri Gaya Prasad Pandey, District Data Manager (RI), National Health Mission, Jabalpur NHM, Jabalpur, District Jabalpur

WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA



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1. **PARTICULARS OF THE CAUSE/ORDER AGAINST WHICH THE PETITION IS MADE:**

(1) Date of Order: 09.01.2008 (*Annexure P1*)

(2) Order Number: No./R.C.H.08/251-55

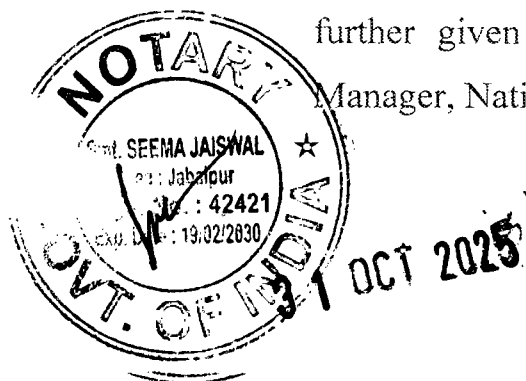
(3) Passed by: Respondent No.4

(4) SUBJECT MATTER IN BRIEF:

The petitioner, by way of present petition, is seeking judicial intervention and issuance of a writ of *quo warranto* against respondent No.9, Shri Vijay Pandey, who is presently serving in the National Health Mission (*hereinafter referred to as* NHM), District Jabalpur, and has continued to hold the public office of Data Manager (RI) illegally and without lawful authority.

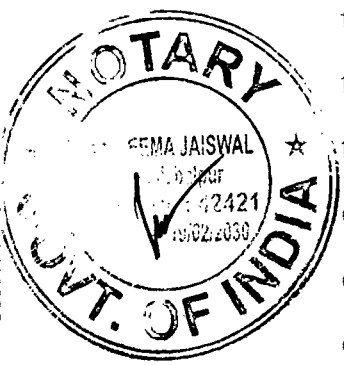
The grievance raised in this petition pertains to the illegal, void, and fraudulent appointment of the said private respondent, who secured employment in the National Health Mission on the strength of forged and fabricated educational documents and in utter violation of prescribed selection norms.

It is respectfully submitted that the private respondent No.9, Shri Vijay Pandey, was initially appointed as a Data Assistant under the NHM on 09.01.2008 through an examination held on 29.12.2007, wherein he secured only 11 marks out of 50 (22%) in the written examination below the qualifying threshold of 30%, making him ineligible for appointment. Despite this, he was arbitrarily selected and subsequently redesignated to the post of Data Manager (RI) and further given charge of the higher post of District Programme Manager, National Health Mission, Jabalpur.



It is also significant to mention here that a confidential verification letter dated 25.08.2025, issued from the office of respondent No.6, categorically revealed that in the Higher Secondary Examination, the private respondent had secured only 29% marks and was declared failed, thereby establishing that the marksheet submitted by him for appointment was forged. The petitioner, through RTI applications, obtained communications which pertinently questions the educational qualifications of the private respondent and further creates a doubt that no such genuine marksheet existed in the Board's record. However, when the matter came to light, the departmental authorities, acting in connivance with the private respondent, subsequently issued contradictory communications denying the issuance of the said verification, which bear clear signs of manipulation and alteration of signatures.

It is further submitted that despite several written complaints and representations made by the petitioner and other officers of the Department, including the District Accounts Manager and the local Member of Legislative Assembly, no proper inquiry or disciplinary action has been undertaken by the competent authorities. The few inquiries that were conducted were highly cryptic and biased, aimed merely at exonerating the private respondent rather than uncovering the truth. The inquiry officers failed to examine crucial issues, such as the forged marksheet, the substandard marks in the written test, and the large-scale embezzlement of government funds. The repeated constitution of inquiry committees with overlapping members further demonstrates that the proceedings were prejudiced, collusive, and designed to shield the private respondent from accountability. It is further submitted that the petitioner has also made a complaint before Honourable Lokayukt and further sent remined for taking appropriate



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action against the private respondent, however, no inquiry has been initiated against the private respondent.

The petitioner, therefore, humbly submits that the appointment of respondent No.9 is *void ab initio*, having been obtained through fraud, fabrication, and misrepresentation, and that his continued occupation of the public post amounts to usurpation of office without lawful authority. The present petition accordingly seeks appropriate directions from this Honourable Court to quash the illegal appointment of the private respondent and to may order a high-level, independent inquiry into the matter to ensure that public employment under the National Health Mission is not held by a person who secured it by deceit and forged documents. Hence, this petition.

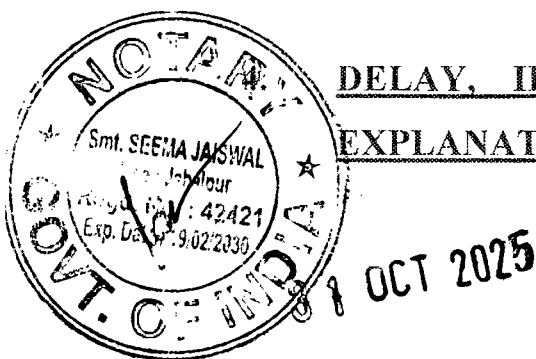
2. **DECLARATION THAT NO PROCEEDING ON THE SAME SUBJECT MATTER HAS BEEN PREVIOUSLY INSTITUTED IN ANY COURT, AUTHORITY OR TRIBUNAL. (IF INSTITUTED, THE STATUS OR RESULT THEREOF, ALONG WITH COPY OF THE ORDER):**

The petitioners submit that the matter regarding which the petition is being made is not filed or pending in any other court of law, authority or before any other Bench or Tribunal.

3. **DETAILS OF REMEDIES EXHAUSTED:**

It is most respectfully submitted that the petitioners have no other alternative efficacious remedy except to file the present petition before this Honourable Court.

DELAY, IF ANY, IN FILING THE PETITION AND EXPLANATION THEREOF:



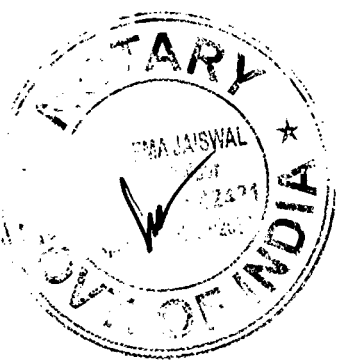
It is most respectfully submitted that there is no delay in filing the instant petition.

5. **FACTS OF THE CASE:**

5.1 The petitioner is a citizen of India and is entitled to all the rights guaranteed to them under the Constitution of India, including all statutory enactments and rules framed thereunder.

5.2 It is most respectfully submitted that the present petitioner is a retired Government employee, having served as a Gazetted Officer II in the Vehicle Factory, Jabalpur. The petitioner is also holding the post of President of the Citizen Welfare Association which is an organization of senior citizens actively engaged in public welfare and continuously rendering its services for the betterment of the citizens. The Association, under the leadership of the petitioner, has been vigilant in raising issues of public concern, particularly matters relating to corruption and maladministration that adversely affect public interest. The petitioner, both during his service tenure and thereafter, has remained proactive and committed to taking lawful action against corruption and those involved in activities detrimental to public good.

5.3 It is submitted that the petitioner herein raising the issue of corruption and maladministration caused by the previous In-charge District Programme Manager, National Health Mission, District Jabalpur, Mr Vijay Pandey, who has emphatically damaged the Public Health Department and embezzled a huge amount of money from the Department. The petitioner is further challenging the appointment of Mr Vijay Pandey, i.e. respondent No.9 herein, as his appointment was completely illegal and based on forged documents, which is completely impermissible in law. It is submitted that for a considerable period of time, the petitioner has pursued action against



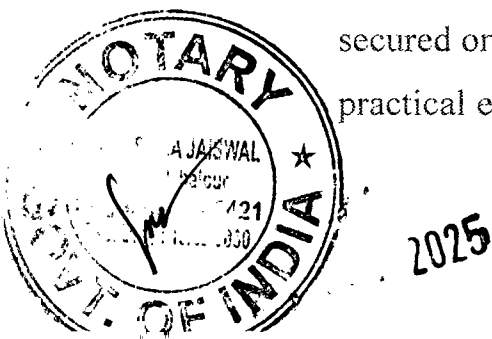
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the private respondent and also filed complaints against him, raising corruption and illegal activities done by the private respondent; however, when no satisfactory action has been taken, the petitioner is compelled to knock on the doors of this Honourable Court.

5.4 It is further pertinent to mention that the petitioner's son, Mr. Amit Chandra, is serving as Block Program Manager in the office of the Block Medical Officer, National Health Mission, Block Majholi. Mr. Amit Chandra had also brought to light several instances of misappropriation of mission funds and other irregularities and illegalities committed by the private respondent. In retaliation for such disclosures, the private respondent, in connivance with certain departmental officials, got Mr. Amit Chandra maliciously transferred to District Murena. Aggrieved thereby, Mr. Amit Chandra preferred Writ Petition No. 20286/ 2025 before this Honourable Court, wherein, taking note of the prima facie mala fide action and conspiracy on the part of the private respondent in connivance with the department, this Honourable Court, vide order dated 24.06.2025, was pleased to stay the operation of the transfer order.

5.5 It is most respectfully submitted that the private respondent was initially appointed as a Data Assistant in the National Health Mission on a contractual basis on 09.01.2008 with a monthly remuneration of Rs. 7,000/- per month. The private respondent was appointed by way of an examination held on 29.12.2007 through R.C.H. under the National Rural Health Mission. A copy of the impugned appointment order dated 09.01.2008 is filed herewith and marked as **Annexure P1**.

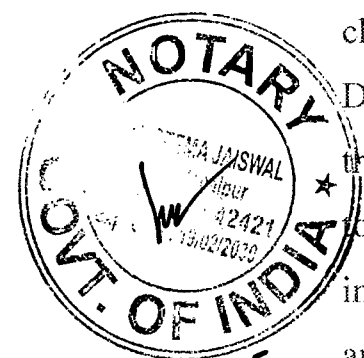
5.6 It is pertinent to mention here that from the perusal of the selection list issued by the Department, it is evident that the private respondent had secured only 11 marks in the written examination and 45 marks in the practical examination, thereby obtaining a grand total of 56 marks. It



is submitted that, as per the universal criteria, a candidate is required to secure at least 30% marks in the written examination to qualify. However, the private respondent, having obtained only 22% (11 out of 50) in the written examination, failed to meet the minimum qualifying standard, yet was illegally and arbitrarily appointed by the respondent department. A copy of the selection list issued by the Chief Medical and Health Officer is filed herewith and marked as Annexure P2.

5.7 It is submitted that after the appointment of the private respondent, he has continued as a Data Assistant in NHM, and from the very inception, he was indulged in illegal practices and misusing his post. Thereafter, on 24.11.2014, a circular was issued by the State Immunisation Officer, M.P., wherein it was stated that the Data Assistants NHM are now redesignated to the post of District Data Manager (Immunisation)/ Data Manager (RI). In light of the aforesaid circular, the petitioner has also been redesignated to the post of District Data Manager (Immunisation). A copy of the circular dated 24.11.2014 is filed herewith and marked as Annexure P3. However, petitioner is unable to produce a letter regarding the redesignation of the private respondent.

5.8 It is further submitted that thereafter, the private respondent was given charge of the District Programme Manager, National Health Mission, District Jabalpur on 22.01.2022. It is significant to point out here that the private respondent remained in charge of DPM from 22.01.2022 to 24.10.2025, and during the whole tenure as In-charge and also being in the substantive post he has indulged in multiple corrupt practices and misused the mission funds. There were several complaints against him. It is submitted that the questions also raised in the Legislative Assembly for giving charge to the private respondent as District

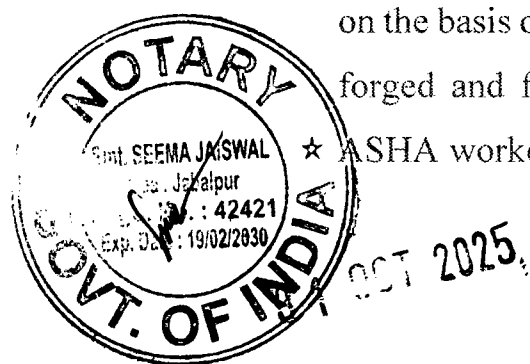


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Project Manager NHM, marching over the senior employees and despite him being a Group D employee holding the post. He further asked the question as to whether any inquiry was initiated against the private respondent. A copy of the question raised in the Legislative Assembly on 05.02.2024, along with the letter dated 18.12.2024 to the respondent No.1 is filed herewith and marked as **Annexure P4**.

- 5.9 It is submitted that the District Account Manager, National Health Mission, Mrs. Shraddha Tamrakar, being aggrieved by the unlawful activities and financial irregularities committed by the private respondent, addressed a letter dated 18.10.2022 to respondent No.2 requesting initiation of a detailed inquiry against Shri Vijay Pandey. In the said letter, the District Accounts Manager categorically stated that the private respondent had accrued funds amounting to approximately ₹15,00,000/- between the year 2020 and 31.03.2022 for trainings, although no training activities were organised during this period. It was further revealed that an amount of around ₹20,00,000/- was withdrawn under the head of "petrol expenses," yet no receipts, vouchers, or logbooks were maintained to substantiate such expenditure. Thus, it is apparent that the private respondent has grossly misused the official funds for ulterior and unauthorised purposes. A copy of the letter dated 18.10.2022 is filed herewith and marked as **Annexure P5**.

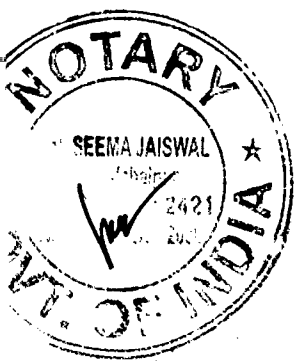
- 5.10 It is further submitted that another representation was addressed to the Principal Secretary, Health Department, by one Dr. Jairam Tiwari, bringing to light the illegal appointment of the private respondent. In the said representation, it was specifically alleged that the documents on the basis of which Shri Vijay Pandey secured his appointment were forged and fabricated. It was also stated therein that around 2,000 ASHA workers were being continuously harassed and intimidated by



the private respondent, who even resorted to using caste-based derogatory remarks, thereby violating their dignity and self-respect. The letter specifically requested that immediate action be taken for the removal of the private respondent from the post and for the initiation of appropriate disciplinary proceedings against him. A copy of the representation dated 28.06.2022 is filed herewith and marked as **Annexure P6.**

5.11 It is further submitted that the local Member of Legislative Assembly has also written a letter dated 06.02.2023 to the then Honourable Health Minister, for initiating an inquiry against the private respondent. In the said letter, it was specifically alleged that despite multiple complaints against the private respondent, the government officials are doing nothing against him, possibly due to the political protection is granted to him. It was further informed that aggrieved by the illegal acts of private respondents, the ASHA workers have also protested against him. A copy of the letter dated 06.02.2023 is filed herewith and marked as **Annexure P7.**

5.12 It is submitted that upon receipt of the complaint made by Dr. Jairam Tiwari, an inquiry team was constituted comprising the Joint Director, Health Services, the Accounts Officer, Jabalpur Division, and the Divisional Administrative Officer. However, it is pertinent to mention that the inquiry report submitted by the said team did not address or consider any of the specific allegations raised by the complainant. In particular, the inquiry team failed to deal with the crucial allegation regarding the award of only 11 marks out of 50 in the written examination to the private respondent. It is further submitted that the inquiry team recorded findings by considering issues that were never part of the complaint, and thereby arrived at conclusions wholly

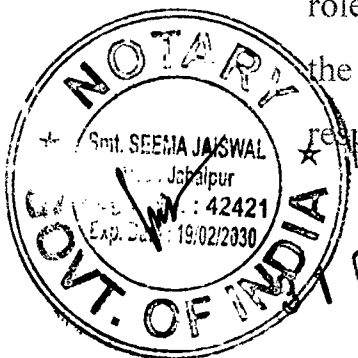


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unrelated to the actual allegations raised. A copy of the inquiry report dated 02.02.2024 is filed herewith and marked as **Annexure P8**.

5.13 It is most respectfully submitted that, thereafter, upon receiving several complaints against the private respondent, another inquiry was directed to be conducted pursuant to the letter dated 26.04.2023 issued by the Chief Administrative Officer, National Health Mission (NHM). The said inquiry was entrusted to Smt. Monika Soni, who was then posted as Accounts Officer, Jabalpur Division, was appointed as the Inquiry Officer. It is further submitted that even in this inquiry, a cryptic and perfunctory report was submitted, apparently with the intent to exonerate the private respondent from the serious allegations levelled against him. In the said report, the Inquiry Officer has merely observed that the private respondent had no role in the release of funds and, therefore, there was no misuse of funds attributable to him. A copy of another inquiry report dated 20.09.2024 is filed herewith and marked as **Annexure P9**. It is also mentioned here that the said reports were obtained by the petitioner by way of RTI.

5.14 It is pertinent to point out here that a portal named E-Vittpravah was created to allocate funds under the National Health Mission for the State, District, as well as Block level works under the Mission. In this regard, a circular was also issued by the respondent No.2 on 10.08.2018, wherein detailed directions were issued to the officials of the department and roles were also assigned to the public officials for the allocation of funds. A bare perusal of the circular clearly states that the District Project Manager performs the role of verifier, which is crucial in the allocation of funds. The private respondent, having the role of verifier was crept into the misappropriation of funds; however, the aforementioned inquiry reports gave a finding that the private respondent has no role to play in the allocation of funds and thereby

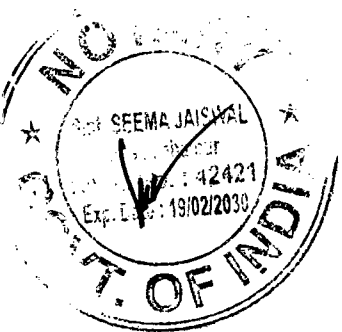


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not responsible for any embezzlement in the department, which is completely false and an attempt to safeguard the private respondent. A copy of the circular dated 10.08.2018 issued by respondent No.2 is filed herewith and marked as **Annexure P10**.

5.15 It is submitted that when the petitioner came to know that no fair and impartial inquiry had been conducted and that the inquiries purportedly completed by the department were merely an eyewash intended to protect the private respondent, he immediately submitted a complaint dated 15.07.2025 before the Honourable Lokayukt. In the said complaint, the petitioner requested that the private respondent be removed from his post and that a fresh and fair inquiry be conducted into the serious allegations of corruption and embezzlement levelled against him. A copy of the complaint to the Lokayukt dated 15.07.2025 is filed herewith and marked as **Annexure P11**. The petitioner has further sent a reminder letter dated 31.08.2025 to the Lokayukt to take appropriate action against the private respondent. A copy of the reminder letter dated 31.08.2025 is filed herewith and marked as **Annexure P12**. However, till date no action has been taken in pursuance of the complaint made by the petitioner

5.16 It is further significant to mention here that the petitioner has been pursuing the present issue and raising the illegal acts of the private respondents for the public good. Therefore, possibly by a person related to the employee of the staff of the private respondent has delivered a confidential verification letter dated 25.08.2025. In the said letter, the respondent No.6 has made a communication to the respondent No.4 stating that information regarding the higher secondary marksheet, i.e. S.No.029956 of Vijay Pandey, was sought vide letter dated 06.08.2025, and it was found in the verification with the documents that Vijay Pandey has secured only 29% marks in the



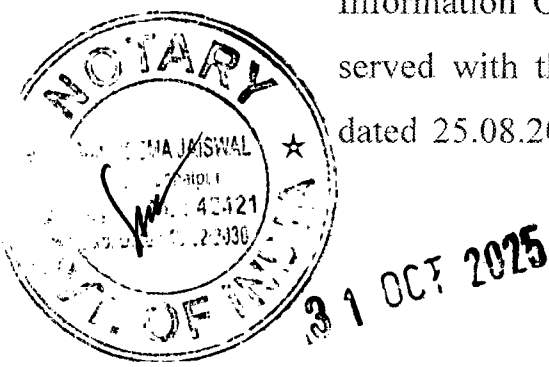
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Higher Secondary exams and was declared as failed. A copy of the confidential verification letter dated 25.08.2025 is filed herewith and marked as **Annexure P13**.

5.17 The petitioner, upon receiving the aforesaid letter dated 25.08.2025, moved an application under section 6 of the RTI Act before the respondent No.5 seeking the certified copy of the result of the private respondent as well as details of the marks secured in each subject. The petitioner has sought this information by giving reference to the aforesaid letter dated 25.08.2025. A copy of the application dated 16.09.2025 under the RTI Act seeking details of Higher Secondary marks of the private respondent is filed herewith and marked as **Annexure P14**.

5.18 It is submitted that the Public Information Officer responded to the application of the petitioner vide letter dated 23.09.2025. However, the information was not given by the concerned officer. Aggrieved by the reply of the Officer, the petitioner made a representation also to the respondent No.4 with a prayer to comply with the statutory provisions of the RTI Act and provide the information to him. A copy of the letter dated 23.09.2024, along with the brochure, is filed herewith and marked as **Annexure P15**. A copy of the representation to the respondent No.4 is also filed herewith and marked as **Annexure P16**.

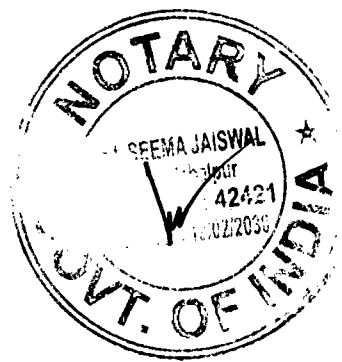
5.19 It is submitted that thereafter making the representations, the Public Information Officer replied to the petitioner vide letter dated 14.10.2025, wherein the petitioner was served with the letters dated 13.10.2025 and 17.09.2025, which were received by the Public Information Officer from the respondent No.5. The petitioner was served with those two letters for explanations regarding the letter dated 25.08.2025 despite getting the information sought by him. A



copy of the letter dated 14.10.2025 is filed herewith and marked as Annexure P17.

5.20 It is further submitted that, in the first letter dated 13.10.2025, the Public Information Officer was informed by respondent No.6 that the confidential letter dated 25.08.2025 (*Annexure P13*) had not been issued from his office. It was further communicated to respondent No.4 vide letter dated 17.09.2025 that the said confidential letter dated 25.08.2025 was never issued by him and, therefore, is a forged and fabricated document. It is pertinent to mention here that the Public Information Officer, while responding to the petitioner's application under the Right to Information Act, 2005, despite providing other information sought by the petitioner, specifically denied the issuance of the letter dated 25.08.2025. Copies of the letters dated 13.10.2025 and 17.09.2025 are collectively filed herewith and marked as Annexure P18. Petitioner submits that the private respondent, in connivance with the Public Information Officer, got this letter issued, denying the actual information to the petitioner.

5.21 It is most respectfully submitted that thereafter, the petitioner addressed an email to the Principal Secretary, Health Department, the Collector, Jabalpur, and the Superintendent of Police, Jabalpur, raising a complaint regarding the aforesaid issues. In the said email, the petitioner categorically stated that the private respondent had secured an appointment in the Department on the basis of a forged marksheet, whereas, in reality, he had obtained only 29% marks in the Higher Secondary Examination and had thus failed. By the said communication, the petitioner specifically prayed for registration of an FIR against the private respondent for holding the present post on the basis of a forged marksheet. The petitioner further requested that a fresh and fair inquiry be conducted regarding the allegations against

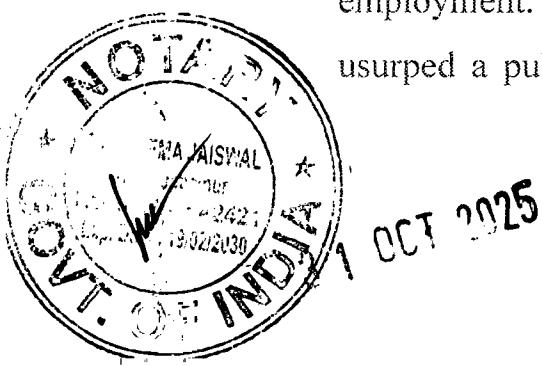


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him in reference to the purported letter dated 25.08.2025. A copy of all the emails dated 10.09.2025, 12.09.2025 and 18.09.2025 are filed herewith and marked as **Annexure P19.**

5.22 It is submitted that when the private respondent got aware about the fact that his illegal act of suppressing the letter dated 25.08.2025 was heated up and he might get in trouble, the private respondent as a counter to the emails and efforts of the petitioner made a complaint on 18.09.2025 to the Station House Officer, Omti, Jabalpur. In the said complaint the private respondent made counter allegation over the petitioner that the letter dated 25.08.2025 is forged document and was prepared by the petitioner to falsely implicate him. It is submitted that the private respondent, apart from the said complaint, tried to threaten the petitioner as well as his son not to further raise the illegalities committed by the private respondent, and the instant complaint very well reflects that it is nothing but an attempt to stop the petitioner. A copy of the complaint dated 18.09.2025 is filed herewith and marked as **Annexure P20.**

5.23 It is most respectfully submitted that in light of the aforementioned facts and circumstances, it is crystal clear that the appointment of the private respondent to the post under the National Health Mission, District Jabalpur, was obtained by means of forged and fabricated documents and that the private respondent has continued to occupy the said post in an absolutely illegal and unauthorised manner. The material on record unmistakably reveals that the private respondent failed to secure the minimum qualifying marks in the written examination and further relied upon a forged marksheet to obtain his employment. It is therefore evident that the private respondent has usurped a public office without possessing the requisite eligibility,



which renders his appointment void ab initio and wholly unsustainable in law.

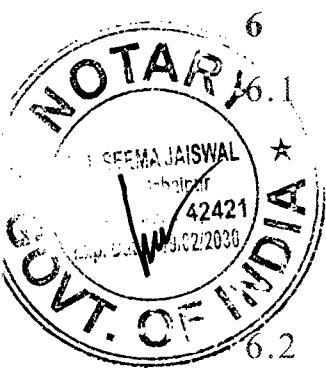
5.24 It is further submitted that the private respondent, during his tenure as In-charge District Programme Manager, National Health Mission, Jabalpur, as well as Data Manager has not only acted beyond his authority but has also indulged in serious acts of corruption, financial embezzlement, and abuse of power. Despite several complaints and repeated representations made by the petitioner and other concerned individuals, no effective or impartial inquiry has been undertaken by the competent authorities. The inquiries conducted thus far have been superficial and designed merely to shield the private respondent. It is also respectfully submitted that now the private respondent is reverted to his substantive post of Date Manger (RI) from 24.10.2025.

5.25 Therefore, going from the aforesaid it becomes imperative in the interest of justice, fairness, and transparency that a strict, independent, and high-level inquiry be ordered into the allegations of financial irregularities, misuse of public funds, and submission of forged documents by the private respondent. Hence, the petitioner is filing the instant petition aggrieved by the arbitrary action of the respondents on the following grounds;

6 GROUND:

6.1 It is submitted that the petitioner secured appointment on the basis of a forged and fabricated document, has illegally usurped a public office, and therefore, his continuance in service is a fraud upon the law and violative of Articles 14 and 16 of the Constitution of India.

6.2 It is submitted that the appointment of the private respondent is null and void from the very inception, as he did not satisfy the mandatory qualifying threshold in the selection examination. The selection list

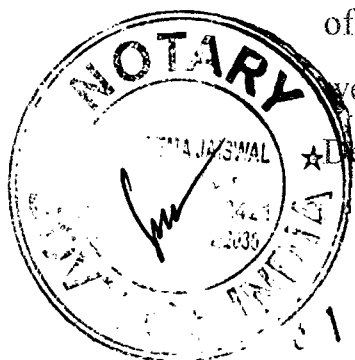


shows only 11/50 marks (22%) in the written paper, whereas the universal/express qualifying standard was 30% in the written test. A candidate who fails to meet the statutorily/administratively fixed minimum cannot lawfully be declared eligible or appointed. Any appointment made in disregard of the essential eligibility requirements is null and constitutes usurpation of public office.

6.3 It is further submitted that post obtained by the private respondent is only on the basis of a forged higher secondary marksheet which strikes at the very root of the appointment process. It is significant to mention here that confidential verification dated 25.08.2025 and other material show that the private respondent in fact secured only 29% and was declared failed. The Public Information Officer's communications (*Annexures P14-P18*) demonstrate both the existence of authentic records and suspicious alterations in subsequent clarifications establishing strong *prima facie* evidence of fabrication. An appointment obtained by fraudulent documents is void and calls for immediate quashing.

6.4 It is most respectfully submitted that the private respondent, Shri Vijay Pandey, has a tainted service record and highly questionable character, having been repeatedly accused of corruption, embezzlement of public funds, and harassment of subordinate women health workers (ASHA workers) posted under his control in various health programmes of the National Health Mission. Several written complaints were submitted by ASHA workers and other subordinate staff before the Chief Medical and Health Officer, Collector, and higher authorities, alleging that the private respondent demanded illegal gratification for release of incentives, misappropriated funds meant for women and child welfare schemes, and indulged in moral and professional misconduct.

Despite these grave allegations, the inquiries conducted were cryptic,



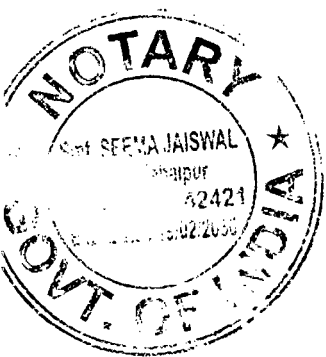
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superficial, and intended merely to shield him from accountability, rather than to ascertain the truth. Such conduct not only violates the principles of honesty and integrity expected of a public servant but also constitutes misuse of public office for personal gain and harassment of vulnerable women employees.

6.5 It is most respectfully submitted that the conduct of the private respondent clearly amounts to usurpation of a public office without lawful authority, which is impermissible in law. The Honourable Apex Court multiple times held that a writ of quo warranto lies to prevent a person from unlawfully occupying a public office. The Court has further held that any appointment made in contravention of statutory provisions or eligibility norms is void ab initio, and such a person has no legal right to continue in office. In the present case, the private respondent, having failed to meet the qualifying marks and having secured his appointment on the basis of a forged and fabricated document.

6.6 It is further submitted that despite there being multiple complaints against the private respondent, no proper inquiry was ever conducted by the answering respondents and in fact the enquiries which were conducted was nothing but a mere eyewash to safeguard the private respondent from all the allegations. From a bare perusal of both the inquiries conducted by the answering respondent, it can be seen that none of the allegations were dealt by the members of inquiry officer. On the contrary without any cogent reasoning the inquiry officer gave a perverse finding that the private respondent is not liable for the allegation he was charged with.

6.7 It is also pertinent to mention here that both the inquiries the Divisional Accounts Officer remained there which means in the subsequent inquiry has already been prejudiced due to having a same



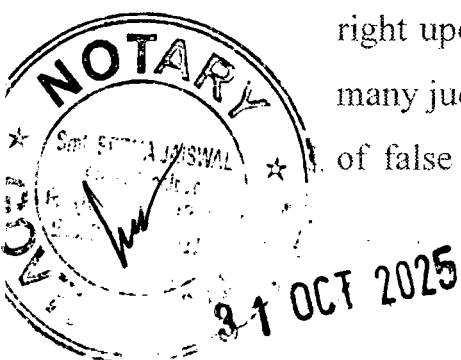
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inquiry officer. Apart from it from the perusal of the inquiry dated 02.02.2024 it can be seen that allegation taken against the private respondent that he has been given more marks in the interview, however, no interview was taken. However, the actual allegation was that despite having only 22% marks in the written examination he has been given appointment which completely illegal. The same has nowhere dealt by the inquiry officers. In the subsequent inquiry also the private respondent was exonerated with the charges by the mere finding that the DPM has no role to play in the release of funds and allocation, however, as per the statutory framework of the National Health Mission, the DPM has an important role, therefore both inquiries conducted are highly cryptic in nature.

6.8 It is most respectfully submitted that the attempt to usurp the public office by way of forged and fabricated documents and further securing appointment despite qualifying the eligibility criteria of 30% marks is highly derogatory and shocks the con.

6.9 It is most respectfully submitted that the selection and appointment process as reflected in *Annexure P1* reveals manifest irregularity. Failure to apply the qualifying threshold, and acceptance of submissions that were not in conformity with prescribed documents and verification procedures. Any departure from the statutory/administrative procedure that affects eligibility and selection vitiates the appointment and warrants judicial interference by quo warranto.

6.10 It is submitted that it is well settled by the Honourable Apex Court an appointment obtained by fraud or misrepresentation confers no legal right upon the appointee. The Honourable Supreme Court further in many judgments held that suppression of material facts or submission of false documents in public employment renders the appointment

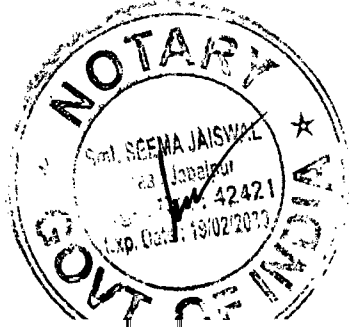


void ab initio and liable to cancellation without any further inquiry. It was also reiterated many times that any appointment secured on the basis of a forged certificate is a nullity in the eyes of law, and no equity or sympathy can be extended to such a candidate, even if he has served for several years. The Court further observed that fraud and justice never dwell together.

- 6.11 It is submitted that the Public Information Officer's refusal to disclose the higher secondary result and the provision of conflicting letters (*Annexures P14-P18*) indicate deliberate suppression of information. This obstructive conduct compounds suspicion about the authenticity of records and the appointment process.
- 6.12 It is apt to mention here that after coming up of the knowledge to every one about the confidential verification dated 25.08.2025 it creates serious doubts on the education qualification of the petitioner thereby questioning the appointment of the petitioner on the basis of those documents. Hence, it requires a detailed and fare inquiry from a special committee constituted by the answering respondents
- 6.13 It is submitted that after going through the aforesaid facts, it clearly discloses that the private respondent has usurped a public office to which he was not entitled. Quo warranto is the appropriate remedy to inquire into the title by which a person holds a public office and to oust a person who holds an office without lawful authority.

7. **RELIEF PRAYED FOR:**

It is, therefore, prayed that this Honourable Court may kindly be pleased:



1 OCT 2025

- (i) To issue a writ in the nature of *Quo Warranto*, calling upon the respondent No.9, Shri Vijay Pandey, to show under what authority he continues to hold and discharge duties as Data Manager (RI) under the National Health Mission, District Jabalpur;
- (ii) To issue a writ of "*Quo Warrento*" and declare the appointment of the private respondent No.9 on the Post of Data Manager (RI) National Health Mission as null and void and quash the appointment order dated (*Annexure P1*);
- (iii) To issue a writ and direct the answering respondent to authorities to constitute an independent, high-level inquiry committee headed by a senior officer of the department, to inquire into the allegations of corruption, embezzlement of public funds, misuse of official position, and submission of forged documents by respondent No.9;
- (iv) To issue an appropriate writ directing the respondent authorities to produce the complete service record, selection list, educational documents, and inquiry reports relating to the appointment and service of respondent No.9 before this Honourable Court for its kind perusal;
- (v) Grant any other relief that this Honourable Court deems fit and just in the facts and circumstances of the case.



8. **INTERIM ORDER/WRIT, IF PRAYED FOR:**

It is most respectfully prayed that the petitioner not pray for any interim relief at this stage. The petitioner further seeks liberty to move appropriately if and when the occasion arises

9. **DOCUMENTS RELIED ON, BUT NOT IN POSSESSION OF THE PETITIONER:**

The petitioners declare that they have filed all the documents relied on by them in the petition.

10. **CAVEAT:**

That, no notice of lodging a caveat by the opposite party is received.

An affidavit in support is filed.

Jabalpur

Date: 31 OCT 2025



Anshuman Singh

Counsel for the Petitioner



31 OCT 2025

**IN THE HIGH COURT OF MADHYA PRADESH
PRINCIPAL SEAT AT JABALPUR**

W.P. No. 43448 / 2025

PETITIONER: Subhash Chandra.

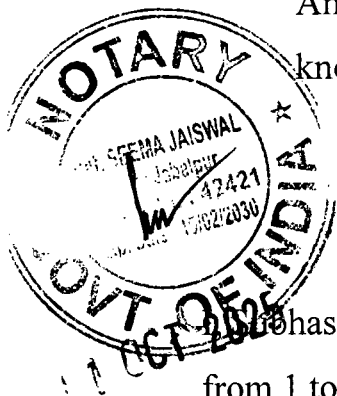
Versus

RESPONDENT: The State of Madhya Pradesh and Ors.

AFFIDAVIT

I, Subhash Chandra, S/o Late Chhedilal, aged about 75 years, Occupation: Retired Government Servant, Vehicle Factory Jabalpur R/o P-46, Jawahar Nagar, Adhartaal, District Jabalpur (M.P.) do hereby state on oath as under:

1. That I am the petitioner in the instant petition, as such I am well conversant with the facts and circumstances of the case.
2. That the instant petition has been drafted and is being filed in accordance with my instructions.
3. That the contents of the present petition from para 1 to 10 and Annexures P1 to P 20 are believed to be true to the best of my knowledge.



SNO
623

Subhash Chandra
DEPONENT

VERIFICATION

Subhash Chandra, the above-named deponent, do hereby verify that the contents from 1 to 3 of the above affidavit are true and correct. Verified and signed on this day of 31 October 2025 at Jabalpur.

31 OCT 2025

sworn before me on
by *Subhash Chandra*
S/o *Late Chhedilal*
Who has been identified by *Shri. Rohit*
whose Signature is here appended.

Rohit
IDENTIFIED BY ME

Signature of person identified by me

Subhash Chandra
DEPONENT

Seema Jaiswal
NOTARY
GOVT. OF INDIA
JABALPUR-DISTRICT



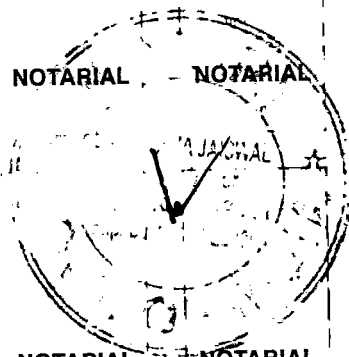
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31 OCT 2025