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## TERMINATION FOR FORGED EMPLOYMENT CREDENTIALS

The Division Bench of the High Court of Karnataka (DBHC), on July 25, 2025 in the *Malurappa* case,<sup>1</sup> affirmed the dismissal of an employee who secured his appointment through fraudulent means.

### Brief Facts

The appellant (**Malurappa**) was appointed as a Badli driver with Bangalore Metropolitan Transport Corporation (BMTC) in 1988. At the time of recruitment, he produced a Transfer Certificate certifying that he had completed primary schooling up to the IX standard. However, a subsequent internal inquiry revealed that the certificate was forged. Malurappa had only completed his education up to I standard, whereas the minimum qualification for a Badli driver was IV standard.

Following a disciplinary inquiry where the charges of misconduct were established, the BMTC Disciplinary Authority dismissed him from service in 2005. Although the Labour Court later set aside the dismissal ordering reinstatement without backwages on the grounds that the punishment was harsh, this award was subsequently faulted and set aside by a learned Single Judge of the Karnataka High Court.

Malurappa then filed an intra-court appeal before the DBHC challenging the Single Judge's order.

### DBHC's Judgement & Reasoning

The DBHC dismissed Malurappa's appeal, upholding his termination. It emphasized that appointments procured through fraud create no equity in favor of the employee. The key findings of DBHC included:

- Inapplicability of Circular No. 537: Malurappa relied on a 1983 BMTC Circular suggesting that confirmed employees should not be terminated for 'suppression' of past service particulars. It held that this circular applies to the suppression of information, not to cases where an ineligible employee uses forged documents to satisfy basic eligibility conditions.<sup>2</sup>
- Fraud on the Employer: Citing Supreme Court precedents,<sup>3</sup> it noted that when an appointment is procured *via* forged documents, it constitutes misrepresentation and fraud, leaving no room for the application of estoppel against the employer.<sup>4</sup>

<sup>1</sup> *Malurappa v. Bangalore Metropolitan Transport Corporation*, 2025:KHC:28717-DB.

<sup>2</sup> Paragraphs 15, 19, 20 and 21 of the Judgement.

<sup>3</sup> *Lucknow Kshetriya Gramin Bank v. Rajendra Singh*, (2013) 12 SCC 372; and *Jainendra Singh v. State of U.P.*, (2012) 8 SCC 748.

<sup>4</sup> Paragraph 23 of the Judgement.

- Quantum of Punishment: It reiterated that limited judicial review is available regarding the quantum of punishment. In this case, the dismissal was not found to be ‘shockingly disproportionate’ to the gravity of the misconduct.<sup>5</sup>
- Distinction from Precedent: It distinguished Malurappa’s cited judgment in *KVS Ram*<sup>6</sup> arguing for leniency, noting that in that case, there was an inordinate delay of 14 years in completing the inquiry, whereas the current proceedings were conducted without such delay.<sup>7</sup>

### Comment

The DBHC’s decision reinforces a zero-tolerance policy toward recruitment frauds. It clarifies that long service (17 years in this case) does not mitigate the fundamental illegality of an appointment secured through forgery. By distinguishing between ‘suppression of facts’ and ‘forgery of eligibility documents’, DBHC has ensured that administrative circulars intended for minor lapses cannot be used as shield for fraudulent entry into service.

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<sup>5</sup> Paragraphs 22 and 23 of the Judgement.

<sup>6</sup> *KVS Ram v. Bangalore Metropolitan Transport Corporation*, 2015 (12) SCC 39.

<sup>7</sup> Paragraphs 15, 25, 26 and 27 of the Judgement.