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OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD.**

ORIGINAL APPLICATION NO. 628 OF 2005

Dated: THIS THE 09th DAY OF AUGUST, 2005

HON'BLE MR D.R. TIWARI, MEMBER-A
HON'BLE MR. K.B.S. RAJAN, MEMBER-J

Niranjan Lal, S/o Late Roop Narain, R/o Gram Narainpuri (Daffi), Post Naipura, (BHU), District Varanasi.

Applicant

By Advocate: Sri A. Vijay.

Versus.

1. Union of India through the Secretary, Ministry of Human Resources, Department of Education, Government of India, New Delhi.
2. The Commissioner, Kendriya Vidyalaya Santhan, Qutab Hotel Marg, Katwariya Sarai New Delhi.
3. Asstt. Commissioner (Regional Office) Kendriya Vidyalaya Santhan Vijay Nagar Post Lohiya Nagar, Kankar Bagh, Patna.
4. Asstt. Commissioner, Kendriya Vidyalaya Santhan, Dehradun Region, Salawala, Hathibarkala, Dehradun.
5. Education Officer/Enquiry Officer, Kendriya Vidyalaya Santhan, Regional Office, Dehradun.
.....Respondents

By Advocate: Sri N.P. Singh.

ORDER

BY K.B.S. RAJAN, MEMBER-J

Suppression of essential facts at the very entry level of the service career makes the candidate totally unreliable and it is on this ground that appointments are not granted to such persons who suppress vital information or even after

appointment, such appointment is cancelled once the Government comes to know about the suppression. A number of cases decided by the Apex Court would go to confirm this aspect.

2. The applicant was an aspirant to the post of Drawing Teacher in K.V.S. Kedala Nagar and on his selection, he was furnished with an attestation form, which he filled up and while filling up the attestation form, against column No. 12 he had answered as under:-

12. Have you ever been prosecuted, kept under detention or bound down/ found convicted by a court of law for any offence? Is any case pending against you in any court of law at the time of filling up this attestation form? If the answer is 'yes' full particulars of the case, detention, fine, conviction sentence etc., should be given.	NO.
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The applicant was appointed to the post of drawing teacher and he had also joined the said post on 22-01-1998. Sometimes in May 2000, the applicant was acquitted of certain criminal charges against him and in November, 2000 the applicant again submitted an attestation form.

3. As the vital information of his facing the criminal trial was concealed from the respondents while filling up the attestation form, the applicant was issued with a charge memo on 8th December, 2001 to which the applicant replied. As the charge sheet warranted certain amendment, after carrying out the

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same, necessary inquiry was conducted and the Inquiry report was submitted on 25th March, 2004. After following the procedure the respondents have issued the dismissal order dated 03-06-2004 and appeal filed by the applicant had also been dismissed.

4. The applicant had filed this OA against the aforesaid order of dismissal and appellate order.

5. The case has been considered. Admittedly the applicant was involved in a criminal case u/s 302 IPC vide ST No. 23/94 before the 3rd Dist. And Sessions Court, Varanasi.

6. There has thus been a clear suppression of fact.

7. This case is identical to the one decided by the Apex court in the case of **Kendriya Vidyalaya Sangathan v. Ram Ratan Yadav, (2003) 3 SCC 437**, where at page 443 the Apex Court has held:

"..... it is necessary and useful to notice the terms of offer of appointment and the columns contained in the attestation form. Para 8 of the memorandum containing offer to the extent relevant reads:

"If he/she accepts the offer on the terms and conditions stipulated, he/she would send her acceptance immediately to this office on receipt of this memorandum and join the Kendriya Vidyalaya mentioned overleaf. Necessary pro forma for the purpose in Annexures I to VI and attestation forms are enclosed herewith which should be submitted to the Principal concerned, after getting the same duly completed in all respects."

7. Para 9 of the same memorandum is to the following effect:

"Suppression of any information will be considered a major offence for which the

punishment may extend to dismissal from the service."

8. The attestation form dated 26-6-1998 duly filled in by the respondent and attestation show that the respondent has taken BA degree from St. Aloysius College, JBP and BEd and MEd degrees from R. Durgavati Vishwavidyalaya, JBP. Columns 12 and 13 as filled up read thus:

"12. Have you ever been prosecuted/kept under detention or bound down/fined, convicted by a court of law of any offence? - No.

13. Is any case pending against you in any court of law at the time of filling up this attestation form? - No."

9. The respondent has also certified the information given in the said attestation form as under:

"I certify that the foregoing information is correct and complete to the best of my knowledge and belief. I am not aware of any circumstances which might impair my fitness for employment under Government."

.....

11. It is not in dispute that a criminal case registered under Sections 323, 341, 294, 506-B read with Section 34 IPC was pending on the date when the respondent filled the attestation form. Hence, the information given by the respondent as against columns 12 and 13 as "No" is plainly suppression of material information and it is also a false statement. Admittedly, the respondent is holder of BA, BEd and MEd degrees. Assuming even his medium of instruction was Hindi throughout; no prudent man can accept that he did not study English language at all at any stage of his education. It is also not the case of the respondent that he did not study English at all. If he could understand columns 1-11 correctly in the same attestation form, it is difficult to accept his version that he could not correctly understand the contents of columns 12 and 13. Even otherwise, if he could not correctly understand certain English words, in the ordinary course he could have certainly taken the help of somebody. This being the position, the Tribunal was right in rejecting the contention of the respondent

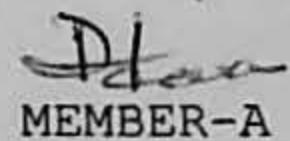
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8. In the instant case also, the applicant expressly indicated answer to column No. 12 as No. This is a clear and deliberate suppression of fact at the very threshold stage of appointment. The authorities are fully right in terminating the services of the applicant. Hence, the OA is dismissed even without calling for the counter, and under the circumstances no orders as to cost.



MEMBER-J



MEMBER-A

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