

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.274 OF 2000
ALLAHABAD THIS THE 25TH DAY OF NOVEMBER, 2004

HON'BLE MRS. MEERA CHHIBBER, MEMBER-J

HON'BLE MRS. ROLI SRIVASTAVA, MEMBER-A

Vijai Kumari, aged about 21 years,
wife of Sri Devendra Bahadur Singh,
R/o Village & Post Ingurri,
District-Etawah.

. Applicant

(By Advocate Shri S.C. Srivastava and Sri B.N.Singh)

Versus

1. Union of India,
through Secretary,
Ministry of P & T,
Dak Bhawan, New Delhi.
2. Post Master General, Agra Region,
Agra.
3. The Superintendent of Post Offices,
Etawah Division. Etawah.
4. Shri Upendra Kumar Singh,
S/o Vijai Bahadur Singh,
R/o Village and Post Ingurri,
District-Etawah.

. Respondents

(By Advocate Km. S . Srivastava)

 O R D E R

HON'BLE MRS. MEERA CHHIBBER, MEMBER-J

By this O.A. applicant has challenged the
appointment order dated 22.02.2002 issued in favour of
respondent no.4 on the ground that respondent no.4 had
already appeared in Board of Secondary Education,



Madhya Pradesh, Bhopal, in the year 1985 wherein he had shown his Date of Birth as 06.10.1967 but he had failed in the said examination. (page 21). Thereafter he appeared in High School Examination in 1988 in Uttar Pradesh by showing his Date of Birth as 25.01.1970 where he was shown to have passed the examination. While in the certificate by Principal Junior High School, Etawah his Date of Birth has been shown to be 06.10.1967 (Page 26) and ⁱⁿ the certificate issued by Primary School Etawah his Date of Birth has been shown to be 06.10.1966 (page 25). They have thus, submitted that applicant is not holding a clean record and has appeared at different places with different Dates of Birth, therefore, when applicant had brought these facts to the notice of respondents by his representations dated 01.02.2000 (Page 28) and 04.02.2000 it should have been got examined by the respondents. However, neither any reply was given to the applicant nor any enquiry was made by the respondents. He, therefore, had no other option but to file the present O.A.

2. It is submitted by the applicant that since in the select list he was at serial no.3 while respondent no.4 was at serial no.2, in case, respondent no.4 was to be ousted, applicant would ~~have been~~ entitled to be posted on the said post.

3. Respondents, on the other hand, have submitted that genuineness of the High School Marksheet given by respondent no.4 was duly got verified from the authorities which was found to be genuine and since he had got more marks than the applicant herein, he was rightly given the appointment. They have further submitted that they were concerned only with the document which were relied upon by the respondent no.4 at the time of

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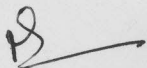
gaining entry in the service and since that document was found to be correct nothing more was required to be done by the respondents. They have thus, submitted that O.A. may be dismissed.

4. Respondent no.4 has also filed a counter affidavit wherein he has stated that the certificates annexed by the applicant on page 25 and 26 are forged documents procured by the applicant but he has not filed any reply to the supplementary affidavit filed by applicant wherein applicant has annexed the marksheet of Higher Secondary School Examination 1985 issued by Board of Secondary Education, Madhya Pradesh, Bhopal with respect to ~~applicant~~ ^{respondent no 4} wherein his Date of Birth has been shown to be 06.10.1967 even though copy of the ^{supplementary} ~~plaint~~ affidavit was duly served on the ^{official} respondents ^{as well as} ~~for~~ respondent no.4.

5. We have heard counsel for both the parties and perused the pleadings as well. If it is seen technically the stand taken by the respondents seems to be correct that they would be concerned only with that document which has been placed before them for seeking appointment and since on verification the said document was found to be correct there was nothing more that was required to be done by the respondents ^{specially} ~~specifically~~ when it makes no difference in the case because a person could be appointed as E.D.B.P.M. till the age of 45 years. Therefore by showing lesser age applicant could not have gained anything for taking appointment as E.D.B.P.M. Nevertheless if there are two certificates placed on record from the different states of the same candidate showing different Date of Birth and the person is shown to have failed in the first examination held at Madhya Pradesh, it definitely does not reflect a good picture

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of the person concerned. If the marksheet annexed by
Madhyamik Shiksha Mandal
the applicant issued by Madhya Pradesh is correct then
it would only show that respondent no.4 is not a
person with good character and is rather a person who
can indulge in activities not ^{expected} accepted from a
Government Employee. As E.D.B.P.M. respondent no.4
would be given the cash, cheque and postal ^{stamps} ~~cheque~~ etc
and it would be necessary to see that a person of doubtful
integrity is ^{not} appointed on the said post. In fact, if
the said certificate is also found to be correct it
would show the dubious nature of the respondent no.4
and in that eventuality he cannot be said to be a fit
person to be retained in the Government Service. At
the same time, we would like to add here that on
verification if the certificate annexed by the applicant
is found to be a forged, ^{document,} applicant would also be
equally responsible for trying to mislead the court,
therefore, in these circumstances, we think, ends of
justice ~~shall~~ would be met if respondents are directed to
write ~~a~~ a letter to the Board of Secondary Education,
Madhya Pradesh Bhopal ~~in~~ in order to ~~verify~~ verify the
correctness of marksheet given for the High School
Secondary Examination 1985 from book No.1406 with
s.No.140532 in the name of ~~M~~ Shri Upendra Kumar Singh
Tomar Son of Shri Vijay Bahadur Singh Tomar wherein his
Date of Birth has been shown to be 06.10.1967. On
verification if the said marksheet is found to be correct
as per the records, in that case respondents shall take
action against respondent no.4 for cancelling his
appointment after following due process of law and in
that event offer ~~the~~ the appointment as E.D.B.P.M. Post
Office, Ingurri, Etawah ^{to the applicant} provided he fulfills all the
conditions required for the post of E.D.B.P.M. In case,
the marksheet as referred to above is found to be fake



on verification from Madhya Pradesh Bhopal applicant would be liable to pay a cost of Rs.2000/- to respondent no.4 but in case, the marksheet is found to be correct on verification from Madhya Pradesh applicant would be entitled to get a cost of Rs.2000/- from the respondent no.4. We are sure that after looking into the facts of the case, Board of Secondary Education, Madhya Pradesh, Bhopal would fully cooperate in the matter in order to ascertain the correctness of the said marksheet. We, therefore, request the Secondary Board of Higher Education Madhya Pradesh, Bhopal to kindly cooperate. It is ordered accordingly. This exercise shall be completed by the respondents within a period of six months from the date of receipt of a copy of this order.

6 The O.A. is accordingly disposed off with the direction as mentioned in para (5) above. No order as to costs.


Member-A


Member-J

/ns/