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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.


OA No.11 of 2006


Cuttack, this the 22nd day of January, 2009

| | | |
|-----------------------|------|-------------|
| Radha Mohan Sahu | | Applicant |
| Versus | | |
| Union of India & Ors. | | Respondents |

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not?
2. Whether it be circulated to all the Benches of the CAT or not?


(JUSTICE K. THANKAPPAN)
MEMBER (JUDICIAL)


(C.R. MOHAPATRA)
MEMBER (ADMN.)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A.No.11 of 2006

Cuttack, this the ~~22nd~~ day of January, 2009

C O R A M:

THE HON'BLE MR.JUSTICE K.THANKAPPAN, MEMBER (J)
AND
THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (A)

Radha Mohan Sahu, aged about 33 years, Son of Late Lal Mohan Sahu, At/Post: Chhatana, Via: Chitrada, Dist. Mayurbhanj.

.....Applicant

By Advocate :Mr. ~~M.P.~~J.Ray.

- Versus -

1. Union of India represented by its Chief Postmaster General (Orissa Circle), At/Po.Bhubaneswar, Dist.Khurda 751 001.
2. Superintendent of Post Offices, Mayurbhanj Division, At/Po-Baripada, Dist. Mayurbhanj-757 001.
3. Sri Paresh Chandra Mohanta, GDS BPM, At/Po: Chhatana, Via-Chitrada, Mayurbhanj.
4. Head Master Chhatana Taken Over UPME School,At/Po. Chhatana, Via: Chitrada, Mayurbhanj.
5. Head Master, Manida High School, At/Po. Manida, Dist. Mayurbhanj.
6. Head Master, Biswanath Bidya Pitha, At/Po. Chhatana, Via Chitrada, Mayurbhanj.
7. District Inspector of Schools, Betnati, At/Po. Betnati, Dist. Mayurbhanj.
8. Circle Inspector of School, Baripada, At/Po.Baripada, Dist. Mayurbhanj-757 001.

....Respondents

By Advocate :Mr.A.K.Bose, GA, Mr.B.K.Mohapatra, ASC
M/s.S.D.Das, Sr. Counsel, H.S.Satpathy,
D.R.Bhakta, D.R.Behera,A.N.Sahu.

.....
O R D E R

Per- MR. C.R.MOHAPATRA, MEMBER (A):-

Selection and appointment of Respondent No.3 to the post of
GDSBPM of Chhatana Branch Post Office has been assailed by the

Applicant in this Original Application filed U/s.19 of the A.T. Act, 1985 on the ground that the Respondent-Department selected and appointed Respondent No.3 without verifying the genuineness of the date of birth recorded in the educational certificate furnished by Respondent No.3.

2. Counter has been filed by the Respondent Department controverting the allegation of applicant that the Respondent No.3 was selected and appointed to the post in question without verifying the genuineness or otherwise of the certificate furnished by Respondent along with his application for consideration. They have stated that applications received pursuant to the notification were scrutinized and a check list was prepared according to the marks obtained by the individual candidate in the HSC examination which was the basic criteria for selection to the post in question. As the applicant secured highest marks in the HSC examination from amongst the candidates whose applications were found complete in all respect, he was issued the offer of appointment after getting the genuineness of the certificate verified from the concerned authority. Not only the genuineness of the educational certificate but also his character and antecedents were also got verified through District Magistrate, Baripada before he was appointed to the post. Accordingly, while rebutting the allegations made in this OA, the Respondent-department prayed for dismissal of this OA.

27

3. Respondent No.3, by enclosing copies of High School Certificate Examination granted by Board of Secondary Education Orissa and the College Leaving Certificate granted by the Principal Chitrada College, Mayurbhanja in support of his date of birth as "01.01.1962" has stated that neither the certificates are forged nor he was appointed to the post in question without verification of the certificates furnished by him. As such, there being no iota of any irregularity in his selection and appointment, no interference is necessary. The date of birth of Respondent No.3 as '1.1.1962' recorded in the HSC was also corroborated by the Respondent no.6 in his reply filed on 3.4.2006. But it has been reported by the Respondent No. 7 i.e. District Inspector of School, Betnati, Maurbhanj in the reply filed on 20.03.2007 that the Respondent No.3 took admission in the Chhatana taken over UP School on 12.07.1969 in Class VI. According to the Admission Register his date of birth is 26.2.1958,

4. By filing rejoinder, the applicant refuted/disputed some of the averments made in the counter filed by Respondent-Department as also Respondent No.3.

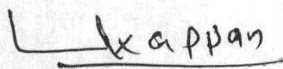
5. We have heard rival submissions of the respective parties and perused the materials placed on record.

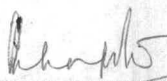
6. This Tribunal is not empowered to delve into the matter of genuineness of date of birth recorded in the certificate issued by the

1

Board of Secondary Education Orissa nor is competent to decide as to what is the exactly date of birth of the applicant. No authority is necessary to cite on the subject that date of birth recorded in the High School Certificate Examination is the unimpeachable evidence which cannot be ignored unless the same is declared incorrect by competent court of law. It is also not the allegation that the Board certificate submitted by the applicant is fake. In view of the above, the allegation of applicant that the authority selected and appointed the Respondent No.3 without verifying the genuineness of the certificate cannot be accepted to be correct and, therefore, the prayer of applicant to annul the selection and appointment of Respondent No.3 is found to be not sustainable in the litmus test of judicial scrutiny.

7. In view of the discussions made above, we find hardly any scope for this Tribunal to interfere in the selection and appointment of Respondent No.3. Accordingly, this OA is held to be without any merit. Hence this OA stands dismissed by leaving the parties to bear their own costs.


(JUSTICE K. THANKAPPAN)
MEMBER (JUDICIAL)


(C.R. MOHAPATRA)
MEMBER (ADMN.)