

FORM NO. 4.
(SCHEDULE 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH.

ORDER SHEET

Original Application No. 160/05

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. 10/05

Applicant(S): Union of India & Ors

Respondant(S): Alaka Saha

Advocate for the Applicant(S):- CGSC and Mr. A. Ahmed for Respondant No. 4.

Advocate for the Respondant(S):- K. Paul, Mrs B. Das, Mrs S.R. Das.

Notes of the Registry	Date	Order of the Tribunal
<p>This Review petition has been filed by the Counsel for the Union of India & Ors. w/s 22 (3) (f) of the CAT Act, 1987 read with CAT (Procedure) Rules, 1987 along with the case for condonation of delay w/s 5 of the Limitation Act and praying for the order dated 13.7.05 in OA 160/05 passed by this Hon'ble Tribunal.</p> <p>The Review petition may be circulated first before the Hon'ble V.C. sitting before the Hon'ble Court.</p> <p>Let it be before the Hon'ble V.C. for further orders.</p>	<p>3.10.05.</p> <p>4.10.2005</p> <p>16.11.05.</p>	<p>Put up this file before the VC when there is a Division Bench sitting.</p> <p>VC</p> <p>post the matter on 4.10.05.</p> <p>Member</p> <p>Vice-Chairman</p> <p>Notice to the respondent. Post on 16.11.2005.</p> <p>Member</p> <p>Vice-Chairman</p> <p>Post the matter before the next available Division Bench.</p> <p>Vice-Chairman</p>

So (5) 7.9.05

27/9/05

27/9/05

Hon'ble

14.11.05

No steps have been taken to issue notice.

~~XXXXXX~~ 10/05/05

~~XXXXXX~~ ~~XXXXXX~~ learned counsel for the
~~XXXXXX~~ ~~XXXXXX~~ that he has not received
the copy of the

1-12-05

No steps have taken
to issue notice

2.12.05.

Post the matter on 4.1.06 alongwith
M.P.No.138 of 05.


Vice-Chairman

lm

04.01.2006 Present : Hon'ble Mr. Justice G.
Sivarajan, Vice-Chairman
Hon'ble Mr. N.D. Dayal,
Administrative Member:

5.12.05

Affidavit in opposition
has been submitted by
the Respondents.

After hearing learned counsel
for the parties the dispute regarding
age of the applicant, we direct the
applicant to be present personally
before this Tribunal. Post on 19.1.2006


Member


Vice-Chairman

Order dt. 4/1/06

Sent to D/section
for issuing to

applicant on the

A, by regd. A/D post.

D/No = 27 dt 6/1/06.

in

19.1.06.

The Review Petitioner in R.A.No.
10 of 2005 is directed to produce original
document (Annexure 1) of the O.A.

Post the matter before the next
available Division Bench.


Vice-Chairman

lm

Order dt. 19/1/06

issuing to learned
advocate's for both
the parties.

23/1/06

46

2.8.06 present ; The Hon'ble Mr K.V.Sachidanandan
Vice-Chairman &
The Hon'ble Shri Gautam Ray,
Member(A).

The R.A emanated from the order of
this Tribunal in O.A.160/05 dated 13.7.05.
It is quite evident that this order has
been passed by Hon'ble Mr G.Sivarajan,
Vice-Chairman and Hon'ble Mr K.V.Prahladar
Member(A). The Administrative Member has
already been retired and Hon'ble Mr G.
Sivarajan is working at Bangalore Bench.
Therefore it is necessary to refer the
matter to Principal Bench for considera-
tion of constitution of a Review Bench.

Registry is directed to refer the
matter to the Principal Bench for consti-
tution of review Bench.


Member


Vice-Chairman

*Affidavit in reply filed.
~~Principal Bench~~
has intimated to place
the RA before the Hon'ble
V.C. to constitute Bench
vide flag 'A'.*

by
10/11/07 pg
15.3.07.

post the matter on 16.3.07.
Registry will inform the counsel
for the applicant.


Member


Vice-Chairman

16.3.07

The review application has been filed by the respondents against the order dated 13.7.05 passed by this Tribunal in O.A. No.160 of 05. The then Hon'ble Vice is now working at Bangalore and Hon'ble Member has already retired. When the matter referred to the Principal Bench, New Delhi, the Principal Bench vide letter dated 15.9.06 has directed for placing the same before the Vice-Chairman/Head of Department of this Bench for constitution of Bench to hear these RAs in terms of Sub-Para 3 & 4 of Para of Rule 49 of Appendix-IV dated 18.02.1992 as and when the Bench is available. Today Hon'ble Vice-Chairman, (K.V. Sachidanandan) and Hon'ble Mr. Tarsem Lal, Administrative Member has constituted the Bench and decided that the matter will be heard on 22.3.07.

Post the matter on 22.3.07.



Member



Vice-Chairman

lm

22.3.2007

The R.A. is disposed of in terms of the order kept in separate sheets. No costs.



Member



Vice-Chairman

/bb/

*Amritha
G. S. L. Case
23.04.07*

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

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R.A. No.10/2005 AND 11/2005. (In O.A.160/2005)

DATE OF DECISION: 22.03.2007

Shri Union of India & others

.....Applicant/s
Mr. G.Baishya, Sr.C.G.S.C & G.P.Bhowmick
..... Advocate for the
Applicant/s

- Versus -

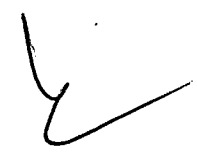
Smt. Alaka Saha & Ors.

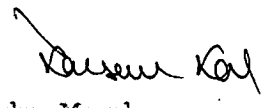
.....Respondent/s
Mr.G.Baishya, Sr.C.G.S.C. & Miss B.Das
..... Advocate for the
Respondents

CORAM

THE HON'BLE MR. K.V. SACHIDANANDAN, VICE CHAIRMAN
THE HON'BLE MR. TARSEM LAL, ADMINISTRATIVE MEMBER

1. Whether reporters of local newspapers may be allowed to see the Judgment? Yes/No
2. Whether to be referred to the Reporter or not? Yes/No
3. Whether to be forwarded for including in the Digest Being complied at Jodhpur Bench & other Benches ? Yes/No
4. Whether their Lordships wish to see the fair copy of the Judgment? Yes/No


Vice-Chairman/Adm. Member



24/3/07

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Review Applications No.10/2005 & 11/2005.(In O.A.160/2005)

Date of Order: This the 22nd day of March, 2007.

HON'BLE MR. K.V.SACHIDANANDAN, VICE-CHAIRMAN

HON'BLE MR.TARSEM LAL, ADMINISTRATIVE MEMBER

R.A. 10 of 2005

1. Union of India,
represented by the Secretary to the
Govt. of India, Ministry of Defence,
South Block, New Delhi-1.
2. The Deputy Director,
Medical Services, Ministry of Defence,
101 Area, C/o 99 APO.
3. The Brigadier Commandant
151 Base Hospital,
C/o 99 APO

...Applicants

By Advocate Shri G. Baishya, Sr.C.G.S.C

-Versus-

Smt Alaka Saha
W/o Sankar Saha
C/o Smt Geeta Saha, W/S Qtr No.
PA-7, 151 Base Hospital,
Basistha, Guwahati-29.

.....Respondent

By Advocate Mr K.Paul, Miss B.Das

R.A. 11 of 2005

Smt Kalpana Das,
Natun Bazar,
P.O. Basistha Chariali
Guwahati-29.

Review petitioner

By Advocate Mr G.P.Bhowmick

1. Smt Alaka Saha
W/o Sankar Saha
C/o Smt Geeta Saha, W/S Qtr No.
PA-7, 151 Base Hospital,
Basistha, Guwahati-29.

....Respodent

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2. Union of India,
represented by the Secretary to the
Govt. of India, Ministry of Defence,
South Block, New Delhi-1.
 3. The Deputy Director,
Medical Services, Ministry of Defence,
101 Area, C/o 99 APO.
 4. The Brigadier Commandant
151 Base Hospital,
C/o 99 APO
-Proforma Respondents

By Advocate Miss B.Das for respondent No.1 and Mr G.Baishya,
Sr.C.G.S.C for respondents 2, 3 and 4.

ORDER (ORAL)

SACHIDANANDAN K.V.(V.C)

Review Application 10/2005 has been filed by the official respondents in O.A.160/2005 and R.A.11/2005 has been filed by Smt Kalpana Das, who was respondent No.4 in the O.A.

2. Since common questions of law and facts are involved, these two Review Applications being disposed of by this common order with the consent of the parties.

3. When the matter came up for hearing on another occasion and finally on 15.3.2007 in terms of Sub-para 3 and 4 of Para 1 of Rule 49 of Appendix-IV dated 18.2.1992 as directed by the Principal Bench, this Tribunal constitute the present two Member Bench to hear the matter and the matter was posted for final hearing on the consent of the parties.





4. The review applications emanated from the order of this Tribunal in O.A.160/2005 dated 13.7.2005. The operative portion of the said order is quoted below :

"In the circumstances we direct the Respondent Nos. 1 to 3 to appoint the applicant to the post of Ward Sahayika as notified if the Respondents want to fill up the vacancy of Ward Sahayika. The Original Application is disposed of as above. There will be no order as to costs."

In both the Review Applications the said order is sought to be reviewed on the ground that has been taken in the R.As respectively. The contentions of the review applicants is that Smt Kalpana Das has submitted an application before this Tribunal in O.A.160/2005 stating that the present Alaka Saha is a person who is appeared before the Interview Board and all the educational certificate shows that her name is Alaka Saha. Smt Alaka Saha has a relation to her father late Jagabandhu Saha which is a dubious status i.e. one is adopted daughter and one is daughter in law thereby rejecting the selection of the applicant/respondent. Thereafter O.A.16/2005 was filed and as per an compliance report of the respondents this Court has passed the elaborate order in O.A.160/2005.

5. The contesting respondents Smt Alaka Saha has filed an affidavit before this Tribunal and stated that Smt Kalpana Das did not secure 2nd position as she was scored third highest mark. Two other candidate namely, Appointment letters were issued to Mrs Marami Hira (Gen) and Miss Mary Gogoi(OBC). She has also stated that she studied in the Holy Heart Senior Secondary School.



The Principal of the said school had issued a letter addressed to the Inspector of Schools as per Annexure-3 produced alongwith the written statement and due to some problem the school was shifted and was it cannot be said that it is not in existence. As per the certificate she has declared the date of birth as 20.3.1982 and she strongly objected that the certificate furnished by respondents are forged. Therefore, question of rejecting the candidature of the deponent does not arise. The case of the official respondents is emanated when the respondents has received a letter Annexure-7 from the Inspector of Schools, Kamrup, Guwahati, which is reproduced as under :

"I have the honour to inform you that so far my knowledge the countersignature of asstt. Inspector of Schools, K.D.C, Guwahati as in the Transfer certificate of Smt Alaka Saha of Holy Heart Senior Secondary School, Ghy-3 is doubtful and not similar to any Asstt. Inspector of Schools as per office records.

On the other hand Holy Heart Senior Secondary School at Hedayetpur, A.p.C.C.Road, Ghy-3 is untraced.

This is for your information & necessary action."

The respondents has also produced the original transfer certificate in their possession alongwith the R.A. The review applicant's counsel wanted to have the original back to him. He is accordingly permitted to give a photo copy duly attested by him and which may be kept on record. In the report of the Inspector of Schools two things has come out, the certificate is doubtful and the school is untraced.

6. The counsel for the review applicants further submitted that they have not been given opportunity to adduce these evidence

because it was decided well before their affidavit is being filed. Undoubtedly these documents are the documents which was not within the knowledge of the respondents but that will materially affected the issue involved in this case and therefore it has to be evaluated whether in such a situation the R.A is maintainable or not.

7. In **Ajit Kumar Rath vs. State of Orissa & Ors. 1999**

(9) SCC 596 Hon'ble Supreme Court has made the following observations:-

"Power of review available to an Administrative Tribunal is the same as has been given to a court under Section 114 read with Order 47 CPC. The power is not absolute and is hedged in by the restrictions indicated in Order 47. The power can be exercised on the application of a person, on the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be procured by him at the time when the order was made. The power can also be exercised on account of some mistake or error apparent on the face of record or for any other sufficient reason. A review cannot be sought merely for a fresh hearing or arguments or correction of an erroneous view taken earlier. The power of review can be exercised only for correction of a patent error of law or fact which stares in the face without any elaborate argument being needed for establishing it. the expression "any other sufficient reason" used in Order 47, Rule 1 means a reason sufficiently analogous to those specified in the rule." page 144 A-4

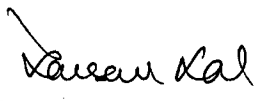
In **Lily Thomas vs. Union of India, 2000 (6) SCC 224** similar observation has been made by the Apex Court. Learned counsel for the applicant has also taken us to a decision reported in 2003 SCC


581 in the case of United India Insurance Company Ltd. vs. Rajendra Singh & Ors., reported in (2000) 3 SCC 581 and contended that a review is possible in a case where the court is misled by a party or the court itself commits a mistake, which prejudices a party, the court has the inherent power to recall its order. Case of the review applicants is that those new documents has been subsequently collected and produced before them. The learned counsel for the respondents in the R.A strongly denied the allegation and submitted that these documents are genuine to substantiate the same in any form.

8. Considering the entire facts of the case and considering the new documents which could not have produced by the applicant at the time of hearing of the case and it requires an elaborate enquiry and genuineness is to be tested, we are of the considered view that R.As are maintainable. However, we are not expressed any comments where fraud is committed or documents are genuine for that reason we are of the considered view that the order of the Tribunal dated 13.7.2005 in O.A.160/2005 will be recalled with a further direction on the 3rd respondent to conduct a fresh enquiry about the entire episode giving liberty to the parties and after giving notice to them and for personal hearing in so far compliance of the natural justice and pass an appropriate speaking order communicating the same within a period of 3 months from the date of receipt copy of this order. Till then status quo as on today shall be maintained.

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Review Applications are accordingly disposed. No order
as to costs.


(TARSEM LAL)
ADMINISTRATIVE MEMBER


(K.V.SACHIDANANDAN)
VICE CHAIRMAN

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केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

6 SEP 2005

गुवाहाटी ब्याच
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

AT GUWAHATI

REVIEW APPLICATION NO. 10 /2005

ARISING OUT OF O.A. NO. 160 OF 2005

IN THE MATTER OF:

Smti Alaka Saha ..Applicant

-vs-

Union of India & Drs...Respondents

-AND-

IN THE MATTER OF:

An application under Section 22(3) (f) of the Administrative Tribunals Act, 1985 read with the Central Administrative Tribunal (Procedure) Rules, 1987 framed under the Administrative Tribunal Act, 1985.

-AND-

IN THE MATTER OF:

Original Application No.160/2005

(Smt Alaka Saha -vs- Union of India and others).

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Defence, South Block, New Delhi-1.
2. The Deputy Director, Medical Services, Ministry of Defence, 101 Area, C/o 99 APD.

Contd....P/-

Filed by

RANESH CHAND AHOLA

6-9-05

3. The Brigadier Commandant,

151 Base Hospital, C/o 99 APD.

..Respondents/Review

Petitioners

-vs-

Smti Alaka Saha,

W/o Sri Sankar Saha

C/o Smti Geeta Saha, W/S Qtr No.

PA-7, 151 Base Hospital

C/o 99 APD, Basistha Road,

P.O. Basistha, Guwahati-781029,

Dist. Kamrup, Assam.

..Applicant/Respondent

The above named Review petitioners

MOST RESPECTFULLY SHEWETH:

1. That the respondents/review petitioners seek review to the order 13.7.2005 passed in Original Application No. 160/2005 allowing the said application filed by the applicant/respondent under Section 19 of the Administrative Tribunal Act, 1985.

2. That the review petitioners beg to state that the applicant/respondent being highly aggrieved with the order dated 8.5.2005 passed by the Review petitioner No.3, Brigadier Commandant 151 Base Hospital, C/o 99 APD

Contd....P/-

filed Original Application No. 160 of 2005 before this Hon'ble Tribunal. In the aforesaid order dated 8.3.2005 a decision was taken for not to consider the respondent for the post of Sahayika which was challenged by the respondent. The aforesaid original Application being O.A. No. 160 of 2005 was filed and moved on 22.6.2006 before the Hon'ble Tribunal and the Hon'ble Tribunal was pleased to issue show cause the review petitioner as to why the application shall not be admitted.

3. That the respondents/review petitioners beg to state that the applicant/respondent approached this Hon'ble Tribunal claiming the appointment of the applicant by stating that the review petitioner No.3 arbitrarily rejected the applicant's appointment on the ground of dubious status of relation which could not be the ground of rejection of her appointment. In the said application being OA No. 160/2005 the applicant/respondent stated that the review petitioners invited applications from the intending candidates for filling up two vacant post of Ward Sahayika in the 151 Base Hospital, C/o 99 APD and the applicant/respondent has applied for the same. In accordance with the application filed by the applicant/respondent and after receiving the call letter for interview, the applicant/respondent appeared before the interview Board on 17.2.2005 at 151 Base Hospital wherein it was alleged that the applicant/respondent did well in the interview and her name was

Contd....P/-

listed on the top of the select list. It was also alleged in the said O.A. No. 160/2005 that one Ms. Kalpana Das filed an Original Application on 1.3.2005 before this Hon'ble Tribunal which was registered as OA No. 59/2005 where she has stated that the applicant/ respondent never appeared before the interview/test Board, but Smti Doli Saha appeared before the interview Board by misrepresenting herself as Smti Alaka Saha, the present applicant/respondent. It was further stated in the said OA No. 160/2005 that the Hon'ble Member upon hearing the OA No. 59 of 2005 directed Smti Kalpana Das to submit her representation by furnishing, expressing her grievances to the respondent authorities within fifteen days and respondents were directed to give reply to representation within two months and the OA No. 59 of 2005 was disposed of by fixing the case for compliance report.

4. That the review petitioners beg to state that the applicant/respondent further contended in the said OA No. 160 of 2005 that the respondent authorities after receiving the order dated 1.3.2005 passed in OA No. 59 of 2005 replied to the representation vide letter dated 6.5.2005 to Smti Kalpana Das and submitted the compliance report to the Central Administrative Tribunal on 6.5.2005, wherein it is stated that present Alaka Saha is the person who appeared before the interview Board and all the educational certificates shows that her name is Alaka Saha. But the respondent authorities on the

ground that Smti Alaka Saha's relation to her father Late Jagabandhu Saha is of dubious status that is one is adopted daughter and the other is of daughter in law and thereby cancelled the appointment of applicant/respondent. Thus submission of the compliance report on QA No. 59 of 2005 on 9.5.2005 the Hon'ble Member of this Tribunal accepted the compliance report wherein the review petitioner No.3 decided not to appoint the applicant/respondent in the post of Ward Sahayika.

5. That the review petitioners beg to state that the applicant/respondent also contended that the review petitioners by the compliance report dated 6.5.2005 denied her appointment only on the ground that her relation to Late Jagabandhu Saha is of dubious status one is of adopted daughter and the other is daughter in law and the same was passed without giving her any opportunity of hearing.

6. That the review petitioners beg to state that the said QA No. 160 of 2005 as stated earlier was fixed on 7.7.05 for instruction from the respondent No.3 and the said QA No. 160 of 2005 was listed again on 13.7.05 when the counsel for the review petitioners prayed for adjournment of the case the same was not allowed and at the admission stage itself without giving the opportunity to file the written statement the QA was allowed for

Contd....P/-

which the review petitioner could not appraise the Hon'ble Tribunal of certain facts.

7. That the review petitioners beg to state that the brief facts of the review petitioner's case is that-

a) That the review petitioners beg to state that the petitioners published an advertisement for direct recruitment invites application for the post of Ward Sahayika for the employment to Commandant 151 Base Hospital, Basistha, Guwahati in the month of December, 2004. The employment officer of employment exchange, Rehabari forwarded seven candidates for the post of Ward Sahayika vide letter dated 12.1.2005. Thereafter eleven applications were screened by a Board of Officers for the interview and the interview was held on 17.2.05. In the aforesaid interview total nine number of candidates appeared for the post of Ward Sahayika and amongst themselves Smti Alaka Saha scored the highest marks and accordingly she was selected. It is pertinent to mention here that Miss Kalpana Das scored the ^{third} ~~second~~ highest mark and in the merit list she secured the second position.

b) As stated earlier on 1st of March, 05 said Kalpana Das filed an original Application being OA No. 59 of 2005 and this Hon'ble Tribunal directed the Review petitioners to give reply to the representation to be

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62

filed by said Kalpana Das with a further direction to file compliance report on 9.5.2005. As per the direction passed by this Hon'ble Tribunal dated 1.3.2005, the Interview Testing Board was assembled on 18.3.2005 for ascertaining, verification whether Smti Alaka Saha is the same person who had appeared in the Interview Board on 17.2.2005, because Kalpana Das alleged on her application that before the interview board Doli Saha appeared in the name of Kalpana Saha.

c) The review petitioners also issued a letter being letter No. 425/2/Civ Est/2005 dated 21.3.2005 to the Principal of Holy Heart Sr. SEC. School, Hedayatpur, APCC Road, Guwahati to confirm whether Alaka Saha is studied in the said school upto Class eight and to confirm the certificate for passing class eight bearing serial No. 343 dated 18.1.2000 has been issued by the said school or not.

A copy of the said letter dated 21.3.05 is annexed herewith and marked as Annexure - 1.

d) As aforesaid the interview/testing Board was assembled on 18.3.2005 for the verification that whether Doli Saha or Alaka Saha appeared before the interview Board on 17.2.05 and the said Board was presided by Cornel A.K. Praharaj and Alaka Saha appeared before the Board and the Board confirmed vide their letter dated 18.3.05 that the candidate Smti Alaka Saha is the same

Contd....P/-

lady who had appeared before the interview board on 17.2.05. The photograph of the lady tally with the lady appeared before the Board. The said Board also perused, scrutinised the school leaving certificate and Caste Certificate, wherein the name of Alaka Saha was prima facie appeared to be true to the Board.

e) The review petitioners also informed the police of Basistha police station to confirm whether Smti Alaka Saha was the daughter or daughter in law of Late Jagabandhu Saha. The police of Basistha police station vide their letter dated 25.4.05 stated that Smti ^{Saha (Doli) was an adopted daughter of} Alaka, Late Jagabandhu Saha while she was only eight years old. Later on said Alaka Saha married to Sri Bankar Saha, son of Late Jagabandhu Saha and thereby she became daughter in law, hence she is not the adopted daughter of Late Jagabandhu Saha.

A copy of the said police report is annexed herewith as Annexure - 2.

f) The review petitioners beg to state that as stated earlier they issued a letter to the Principal, Holy Heart Senior Secondary School, but no reply was received by the review petitioners and therefore they could not verify the certificate of Alaka Saha with the said School till May '05. The Hon'ble Tribunal was pleased to fix 9.5.2005 for filing the compliance report and being without any other alternative the respondents/

Contd....P/-

review petitioners were compelled to file the compliance report dated 6.5.05 before this Hon'ble Tribunal.

A copy of the said compliance report is annexed herewith as Annexure - 3.

g) Upon receiving of the compliance report dated 6.5.05 in DA No. 59 of 2005 the Hon'ble Tribunal by relying passed the order dtd. 13.7.05 in DA No. 160 of 2005 without giving the opportunity to the review petitioners to place the case properly by filing written statement.

A copy of the order dtd. 13.7.05 is annexed herewith as Annexure - 4.

h) The Hon'ble Tribunal directed your petitioners to appoint the applicant Alaka Saha to the post of Ward Sahayika by stating that the compliance report clearly states that the school leaving certificate and caste certificate has been verified by the Interview Board but infact the same has been scrutinised by the Board and not verified with the original report. At that point of time the letter dated 21.3.05 was returned to the review petitioners with a note stating that no trace of the school.

i) The review petitioners beg to state that inspite of letter dated 21.3.05 to the Principal, Holy Heart Senior Secondary School, Guwahati, no reply was

Contd....P/-

received, the review petitioners tried to personally verify the records and upon query regarding the school it was revealed that the said school was closed down and the Principal of the School was arrested by the Police for some offence committed by him. At that point of time the review petitioner issued a letter to the Inspector of Schools, Kamrup District Circle leaving/ transfer certificate vide their letter dated 2.8.05.

A copy of the said letter dated 2.8.05 is annexed herewith as Annekure - 5.

j) The review petitioners beg to state that the mother of applicant/respondent Smti Geeta Saha is also an employee of the review petitioners and worked as Ward Sahayika. The review petitioners also verified the family particulars of said Smti Geeta Saha which shows that she has three child namely Sibu Saha, Sankar Saha and Alaka Saha and the date of birth were 21.11.58, 15.11.60 and 19.12.1971 respectively. Thus, the said family particulars created reasonable suspicion in the mind of the review petitioners as the date of birth of the applicant respondent was 20.3.88.

A copy of the said family particulars is annexed herewith as Annekure - 6.

k) The review petitioners beg to state that in reply to the letter No.119 dated 2.8.05, the Inspector of Schools, Kamrup District Circle, Guwahati wrote a

Contd....F/-

letter dtd. 23.8.05 where in it was clearly stated by the Inspector of Schools that so far his knowledge the counter signature of Asstt. Inspector of Schools, Kamrup District Circle, Guwahati as in the transfer certificate of Smti Alaka Saha of Holy Heart Senior Secondary School, Guwahati-3 is doubtful and not similar to any Asstt. Inspector of Schools as per office records. It was further stated that on the other hand, Holy Heart Senior Secondary School at Hedayetpur, APCC Road, Guwahati is untraced.

A ~~copy~~ of the said letter dated 23.8.05 is annexed herewith as Annexure - 7.

1) The review petitioners beg to state that at the time of passing the order dated 13.7.05 it was not revealed that the certificate furnished by the applicant/respondent was forged one and therefore this Hon'ble Tribunal passed the said order, which otherwise would not have been passed after perusing the letter of Inspector of Schools.

It is settled law that fraud or misrepresentation can not give any legal rights to any person and therefore the candidature of the applicant/respondent is liable to be rejected.

8. That this application is made bonafide and for the ends of justice.

Contd....P/-

GROUNDS

I. For that the decision rendered by the learned Tribunal has become erroneous as on the date of passing the order dated 13.7.2005, the fact regarding the forged certificate could not be placed before this Hon'ble Tribunal, otherwise this Hon'ble Tribunal might not have passed the order to appoint the applicant/respondent.

II. For that, learned Tribunal erred in law and facts on directing the review petitioners to appoint the applicant/respondent as Ward Sahayika though her candidature solely dependent on a forged document which was manufactured and furnished by the applicant/respondent herself.

III. For that, it is settled law that wrongful act, misrepresentation or forgery could not give any person to any legal right and by committing the misrepresentation the applicant/respondent approached this Hon'ble Tribunal and by suppressing the fact she obtained the order dated 13.7.2005 and therefore her candidature and appointment may be rejected on that count and the order dated 13.7.05 is liable to be modified/reviewed.

IV. For that the view adopted by the learned Tribunal in the impugned order dated 13.7.05 to the

Contd....P/-

extent that the compliance report however clearly states that the school leaving certificate and caste certificate has been verified is erroneous as the same has not been stated anywhere in the compliance report and the compliance report state only about scrutinising school leaving certificate and cast certificate wherein the name appeared as Alaka Saha and upon verification of Inspector of Schools it was revealed for the first time that the counter signature of the certificate was a forged one for which the order dated 13.7.05 is liable to be modified/reviewed.

V. For that the judgment and order dated 13.7.05 passed in QA No.160/2005 has been relied on misrepresentation of facts by the applicant/respondent without providing any reasonable opportunity to the review petitioners, hence the impugned order is liable to be modified/reviewed.

VI. For that the view adopted and direction passed by the learned Tribunal dated 13.7.05 in QA No.160 of 2005 are solely based on a concocted and forged document for which the impugned order is bad in law and liable to be modified/reviewed.

Upon the premises aforesaid it is humbly prayed that the Hon'ble Tribunal be pleased to consider the petition, admit the same issue notice to the parties, respondent to

Contd....P/-

[14]

show cause as to why the order dated 13.7.05 passed in OA No. 160/2005 should not be reviewed as prayed for and upon cause or causes being shown and upon hearing the parties be pleased to review the order dated 13.7.05 passed in OA No. 160/2005 and further be pleased to modify, set aside the same and/or pass such other order or orders as this Hon'ble Tribunal may deem fit and proper

-AND-

During pendency of this application the Hon'ble Tribunal may be stayed the impugned order dated 13.7.05 passed in OA No. 160/2005.

And for this act of kindness the review petitioners as in duty bound shall ever pray.

...Affidavit.

AFFIDAVIT

I, Sri R.C. Dhulia, Son of *Ami Chand* Dhulia, aged about years, Major, Coy Cadre for Commandant, 151 Base Hospital C/o 99 APQ in the district of Kamrup, Assam do hereby solemnly affirm and state as follows:

1. That I am the Major, Coy Cadre for Commandant 151 Base Hospital, C/o 99 APQ and competent officer of the petitioners in the instant review petition and as such, I am well acquainted with the facts and circumstances of the case and authorised to swear this affidavit on behalf of the review petitioners.

2. That the statements made in this affidavit and in the paragraphs 1 to 6, 7A, 7b, 7d, 7h, 7L are true to my knowledge, those made in paragraphs 7c, 7e, 7f, 7g, 7i, 7j, 7k being matters of record are true to my information derived therefrom which I believe to be true and the rest are my humble submissions before this Hon'ble Court.

And I sign this affidavit on this 6th day of September, 2005 at Guwahati.

Identified by:

Ruboj Gogoi

Advocate & Clerk

DAMESH CHAND DHULIA
DEPONENT

Grandam Baijya
Sr. C. P. S. C.
6.9.05

Annexure - 1

5/6

Tele Mil : 6410

BY REGD POST
151 Base Hospital
C/o 99 APO

425/2/Civ Est/2005

21 Mar 2005

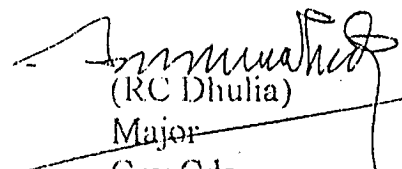
The Principal
Holy Heart SR. SEC. School
Hedayetpur, APCC Road
Guwahati

VERIFICATION OF FACTS

Sir,

1. Smt Alka Saha daughter of Sh Jagbandan Saha resident of Ganesh Nagar, Basistha, Guwahati has applied for the post of Ward Sahayika and appeared for interview on 17 Feb 2005. Please confirm whether the said lady had studied in your school upto class 8th and the certificate for passing class 8th bearing machine No 343 dt 18 Jan 2000 has been issued by your school. You are also requested to verify the correctness of date of birth and other records given in the school leaving certificate.
2. A photocopy of School leaving certificate issued by your school is forwarded herewith for your verification and early reply please.
3. An early reply will be appreciated.

Yours faithfully,


(RC Dhulia)
Major
Coy Cdr
For Commandant

HOLY HEART SR. SEC. SCHOOL

(English, Hindi, Assamese & Bengali Media)

Hodgson, A.P.C. Road

GUWAHATI-3

Estd. 1982

School Code: 12829/96
Regd. SEBA, Guwahati
343

Book No.

4

Sl. No.

LEAVING / TRANSFER CERTIFICATE

This is to certify that Smt. Alaka Saha
son / daughter of Sri Jagabandhu Saha an inhabitant
of village / town Basistha P.O. Guwahati in the District
of Kamrup was a student of this school and he / she left
the school on 31-12-97.

His / her date of birth as recorded in the School Admissions Register
is / was 20-3-88

At the time of leaving he / she was reading in class VIII (Eight)
section Assamese and had / had not passed the Annual / H.S.E.C. /
H.S. examination for promotion to class IX (Nine).

All sums due by him / her had been paid viz.

Fees fines up to X (Date)

While at school his / her conduct and career were good.

Reasons for leaving :

- (i) Unavoidable Changes of Residence.
- (ii) Ill Health.
- (iii) Minor Reasons.
- (iv) Completion of School Course.
- (v) Any other.....

Date 18.1.00

Principal,
HOLY HEART SR. SEC. SCHOOL
Hodgson, A.P.C. Road, Guwahati-3

Principal,
Holy Heart Secondary School,
Guwahati-3

17 years

CFL

মহাশয়
(R-E Dhulia)

মেজর
Major

কমান্ডার
Coy Commander

REC'D POST CLOS F.E.C

M. Gurneath
Post 14

The principal
Holy Heart SR. S.E. School
Hedeyapur, A.P.C.C Road
Gowachille



Postmaster
JCO I/C Coy Office

828 FPO, COVSEB
PS-RAVA-21561
Counter No. 1, (P-Code: 1)
INDIA POSTAGE
Postal Service
31/03/2005 08:54
To: RS-17-100411

828

Natman
9714

SILPURI
18.03.05
S.A.
WALHAT

NOV 25

#4

Mr. R.C. Dholak
Major, Coy Cdr., Jpr. Commandant,
151 Base Hospital, Basirhi Ghat,
C/O 99 APO.

Dist Basirhi PS. dt 23rd. 2005

Sgt. Letter no. 125/2 C/O Lt. 23rd. 2005,
dt. 23rd. 2005

Sub - Police notification report

Sir,

I have the honor to report that I have
done enquiry locally and confidentially about the C/O of
Smt. Alaka Saha @ Doli w/o Sri Sankar Saha @ Defence
Qtr. no. 7 C/O 151 Base Hospital, Basirhi Ghat and
also checked the available PS records but found no adverse
criminality against her.

That during enquiry it is come to light that
Smt. Alaka Saha @ Doli was a adopted daughter of Late
Jagabandhu Saha while she was only 8 (eight) yrs old. At
that time her father (name not known) was dead and later on
her mother also namely, Mira Das was died. As such, though
Alaka Saha was adopted daughter, later on she was given
married with Sri Sankar Saha who is the son of Smt.
Late Jagabandhu Saha and thereby she (Alaka Saha) became
daughter-in-law but not adopted daughter presently of Smt.
Jagabandhu Saha.

Submitted this for favour of mind of Sir and Sir.
This refers Basirhi PS. GDR no. 869 dt. 22/4/05.

Forwarded

By
C/O Basirhi PS.
Date - 23/4/05

For's Information
Sri Jagabandhu Saha
39 @ Fort
Basirhi Ghat
23/4/05

To,
Mr. R.C. Dhulia,
Major Coy Cdr. for Commandant,
151, Base Hospital, Basistha, Shy,
C/o 99 APQ.

Dated Basistha PS the 23 April, 2005

Ref: Letter No. 425/2/Cir Est/2005 dtd. 21st March 2005

Sub: Police verification Report.

Sir,

I have the honour to report that I have done enquiry locally and confidentially about the C/A of Smti Alaka Saha @ Doli W/o Sri Sankar Saha of Defence Qtr No. 7 C/O 151 Base Hospital, Basistha, Guwahati and also checked the available P.S. records but of and no any adverse criminality against her.

That sir, during enquiry it is come to light that Smti Alaka Saha @ Doli was a adopted daughter of Late Jagabandhu Saha while she was only 8(eight) years old. At that time her father (name not known) was died and later on her mother also namely Mira Das was died. As such, though Alaka Saha was adopted daughter, later on she was given married with Sri Sankar Saha that who is the son of said Late Jagabandhu Saha and thereby she (Alaka Saha) became daughter in law but not adopted daughter presently of Late Jagabandhu Saha.

Submitted this for favour of kind n/a and oblige.

This refers Basistha PS GDE No. 869 dtd. 22.4.05.

Forwarded
sd/- illegible
D/C Basistha P.S.
Date 23.4.05

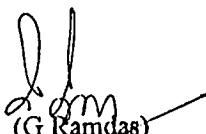
Yours faithfully
sd/- Illegible
S/I of Police Basistha PS
23.4.05

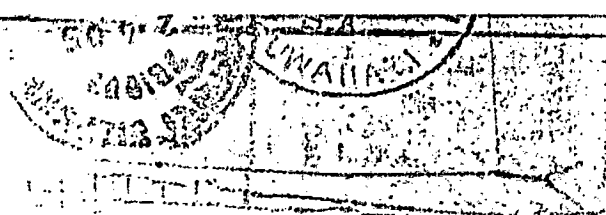
COMPLIANCE REPORT ON OA NO 59/2005 FILED BY SMT KALPANA DAS VS UOI
AND OTHER IN CAT GUWAHATI ORDER DATED 01 MAR 2005

1. As per the direction of CAT Guwahati bench order dated 01 Mar 2005 on OA No 59/2005, the interview /testing board was ordered to assemble on 18 Mar 2005. ✓
2. Representation from the applicant Smt Kalpana Das dated 04 Mar 2005 was recd on 09 Mar 2005 alongwith directions from CAT Guwahati Bench. ✓
3. Smt Alka Saha daughter of Sh Jagabandhu Saha who has appeared before interview/testing board for the post of ward sahayika on 17 Feb 2005, was also directed to appear before the interview/testing board presided over by Colonel AK Praharaj on 18 March 2005. ✓
4. On 18 March 2005, it was confirmed by the interview/testing board vide their letter dated 18 March 2005 that the candidate (Smt Alka Saha) who had appeared before interview/testing board on 17 February 2005 is the same lady who had appeared before the interview/testing board on 18 March 2005. The photograph of the lady affixed on the caste certificate has also been matched with lady present before the board on 18 Mar 2005.
5. The other documents such as school leaving certificate and caste certificate also mention the name as Alka Saha. ✓
6. The board has shown their inability to find out whether the candidate is daughter or daughter-in-law of Sh Jagabandhu Saha and suggested that verification to the fact may be carried out by local police/other appropriate authorities. ✓
7. The matter was reported to Officer in charge, Police Station Basistha Guwahati on 21 March 2005 and subsequent reminders issued on 03 April 2005 and 13 April 2005. ✓
8. It was confirmed by police station Basistha vide their letter dated 25 Apr 2005(copy enclosed) that Smt Alka Saha (Dolly) was an adopted daughter of Late Jagabandhu Saha, when she was 8 years old. Later on she is married to Sh Shankar Saha son of Late Jagabandhu Saha and thereby she became daughter-in-law hence she is not the adopted daughter of late Jagabandhu Saha ✓
9. Since her relation to Sh Jagabandhu Saha is of dubious status (daughter/daughter-in-law), she will not considered for the post of ward sahayika ✓
10. Reply to Smt Kalpana Das, the applicant, has been fwd vide this office letter No 119/2/Adm/KD/2005 dated 06 May 2005.
11. It is also submitted that next candidate in order of merit will be called for and appointment letter for the post of ward sahayika will be offered in due course of time

151 Base Hospital
C/O 99 APO

Dated: 06 May 2005


(G Ramdas)
Brigadier
Commandant



Compliments
Sept

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.160 of 2005.

Date of order: This the 13th day of July, 2005.HON'BLE MR.JUSTICE G.SIVARAJAN, VICE-CHAIRMAN
HON'BLE MR.K,V,PRAHLADAN, ADMINISTRATIVE MEMBERSmti. Alaka Saha,
Wife of Sri Sankar Saha
C/O.Smti.Geeta Saha-W/s Qtr.No.
P.A-7, 151 Base Hospital,
C/o 99 APO.
Basistha Road, P.O.Basistha,
Guwahati-781029, Dist.Kamrup,
Assam.

Applicant

By Advocate Mr. K.Paul, Miss B.Das, Miss S.R. Dey

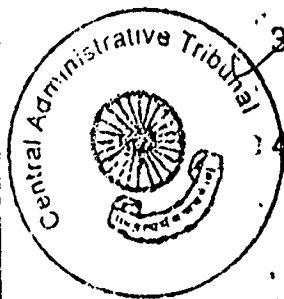
-Versus-

1. The Union of India,
Represented by the Secretary
To the Government of India,
Ministry of Defence, South Block, New Delhi-12. The Deputy Director Medical,
Services, Ministry of Defence,
101 Area, C/o 99 APO.3. The Brigadier Commandant, 151 Base Hospital
C/o 99 APO4. Smti Kalpana Das
Village-Natun Bazar
P.O.Basistha Chariali,
Dist.Kamrup, Assam.

Respondents.

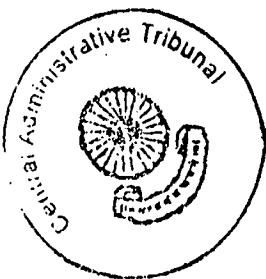
By Advocate Mr.M.U.Ahmed, Addl.CGSC
Mr.A.Ahmed, For Respondent No.4.ORDER(ORAL)SIVARAJAN,J(V.C):

Pursuant to advertisement inviting applications for the post of Ward Sahayika in the 151/Base Hospital, C/O 99 APO, issued by the Respondents the applicant applied for the said post. She was called for interview on 17.2.05. She secured highest mark in the interview and her name was listed on the top of the select list. When

the applicant's name was listed on the top of the list, the Respondent No.4 who had also applied for the post of Ward Sahayika, approached this Tribunal by filing O.A.No.59 of 2005 on 1.3.2005 alleging that the applicant herein secured the position and obtained selection by impersonation. The said application was disposed of at the admission stage itself by directing the applicant therein- 4th respondent to make representation before the 3rd Respondent and the said Respondent was directed to pass orders thereon. The matter was also directed to be listed for compliance report. In the compliance report (Annexure 9) filed by the 3rd Respondent clearly stated that there is no impersonation at all. The 4th Respondent's application was rejected. However, the Respondents declined to appoint the applicant on a different ground viz, with Shri Jagabandhu Saha is of dubious status (one of adopted daughter and the other of Daughter-in-law), hence she will not be considered for the post of Ward Sahayika. The applicant is aggrieved by the denial of her appointment.

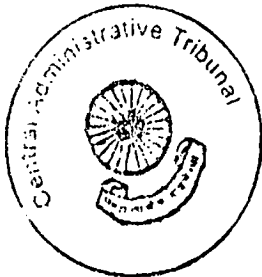
2. [We have heard Mr.K.Paul, learned counsel for the applicant, Mr.M.U.Ahmed, learned Addl.C.G.S.C. appearing for the respondent Nos.1 to 3 and Mr.A.Ahmed learned counsel appearing on behalf of Respondent No.4. Admittedly, the selection Board interviewed 9 candidates including applicant and the 4th respondent and selected the applicant for the post having secured highest marks(55). The 4th Respondent herein secured only 48 marks. However, the 4th Respondent, as already noted, challenged the applicant's selection on the ground of impersonation. The 3rd respondent pursuant to the decisions issued by this Tribunal conducted enquiry and found that there was no impersonation. Thus, the applicant was entitled to be appointed to the post of Ward Sahayika on the basis of her selection.



Int

Only ground as could be seen from the compliance report (Annexure 9), as already noted, is that the Board has shown its inability to find out whether the candidate is Daughter-in-law of Late Jagabandhu Saha. The Police verification, it is stated, has confirmed that the applicant was an adopted daughter of Late Jagabandhu Saha when she was 8 years old and later on she was married to Shri Shankar Saha, son of Late Jagabandhu Saha and thereby she become daughter-in-law of Late Jagabandhu Saha. The compliance report, however, clearly states that the School Leaving Certificate and Caste Certificate has been verified. If, as a matter of fact, the respondent No.3 had verified the Caste Certificate (Annexure 1) and School Leaving Certificate (Annexure 2) there was no cause for any doubt as to who is the father of the applicant, for, both the Certificates clearly show that Shri Jagabandhu Saha is the father of the applicant. The subsequent marriage of the applicant with the son of Late Jagabandhu Saha may be a ground for nullifying the marriage but it cannot be ground for denying employment to the applicant. The name of the father shown is consistent with official records. According to us the 3rd Respondent was not justified in going further than what was available from the documents issued by the competent authority and find out a new case. It has nothing to do with the employment of the applicant. Since the applicant has already been selected, she having secured the highest mark, the Respondent: 1 to 3 cannot deny the appointment to the applicant for the reasons stated in the compliance report (Annexure 9).

3. In the circumstances we direct the Respondent Nos. 1 to 3 to appoint the applicant to the post of Ward Sahayika as notified if the Respondents want to fill up the vacancy of Ward Sahayika.



gpi

-24-

271

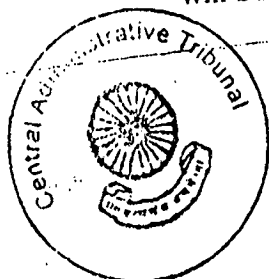
80

4

4. The Original Application is disposed of as above. There will be no order as to costs.

Sd/ VICE CHAIRMAN

Sd/ MEMBER (A)



TRUE COPY
प्रतिलिपि

अनुभाग अधिकारी
Section Officer (Judl)
Central Administrative Tribunal
गुवाहाटी-5
GUWAHATI-5.

18/7/05

Central Adm.

- 95 -

Annexure-5
81

Tele Mil: 6404

119/2/AS/2005

Inspector of Schools
Kamrup District Circle,
Kahilipara
Guwahati

BY HAND
151 Base Hospital
PIN-900328
C/O 99 APO

Aug 2005

VERIFICATION OF SCHOOL LEAVING/TRANSFER CERTIFICATE.

Sir,

1. A photocopy of Holly Heart Sr. Sec, School leaving/transfer certificate bearing machine No 343 dated 18-1-00 issued to Alaka Saha, daughter of Sri Jago Bandhu Saha is forwarded herewith for your verification.
2. It is also informed that, we have personally approached to Holy Heart Sr. Sec. School Hedayetpur, APCC Road but the same is not traceable at its address as given in certificate.
3. You are requested to look into the matter and carry out necessary verification on the above mentioned certificate and confirm the genuineness.
4. Your co-operation in this regard is highly appreciated.

Thanking you.

Yours sincerely,

(Birender Singh)
Major
OIC Legal Cell
for Commandant

Received the
eHwv.08/08/05

for
Inspector of Schools
Kamrup District Circle, Guwahati

FAMILY PARTICULARS : CIVILIANS

1. Name Gita Saha Trade ward Sahayik
w/o shri Jag bandhu saha
2. Father's Name
3. Date of birth 03-9-47
4. permanent home address
Vill - Baricha Para. PO - Bineta nagar (Binoban)
Dist - Kamrup (Assam) Lauhati - 18
5. Next of Kin's name and his/her permanent home address :-
(a) shri Sibu Saha (son)
(b) shri Shankar Saha (son)
6. Married/Single Married

If married, the name(s) of child/children with date of birth.

Name of child/children

Date of birth

1. shri Sibu Saha (son) 21 Nov. 1958
2. shri Shankar Saha (son) 15 Nov 1960
3. Miss Alaka Saha (daughter) 13-2-74 (married)
4. 29-12-1971

School 2017

I hereby certify that the above particulars are correct to the best of knowledge. I will intimate the authority as and when any change occurs.

Dated : 1 Nov 78

Gita Saha
 Signature of Individual.

COUNTERSIGNED

[Signature]
Subir Singh
 Officer

5

10 / 11 / 1978

1978

10 Nov 78

OFFICE OF THE INSPECTOR OF SCHOOLS::KAMRUP DISTRICT CIRCLE::GUWAHATI.

No.G-14/pt-II/M/01/ 7090 Dated, Guwahati, the 23rd th. August/05.

From :- Mrs. P. S. Gogoi, M.A.A.E.
Inspector of Schools, K.D.C. Guwahati.

To, The Major, OIC Legal Cell for Commandant.

Sub. :- Verification of transfer certificate.

Ref. :- Major OIC Legal Cell for Commandant
No. 119/2/08/05.

Sir,

I have the honour to forward herewith the enquiry report, enquired by Sri M.C. Deka, Asst. Inspector of Schools, K.D.C. Guwahati, regarding transfer certificate of Smti. Alaka Saha of Holy Heart senior secondary school, gh-3.

This is for your information and necessary action.

Yours faithfully,

Inspector of Schools, K.D.C.
GUWAHATI.

OFFICE OF THE INSPECTOR OF SCHOOLS: KAMRUP DISTRICT CIRCLE: GUWAHATI.

To,

The Inspector of Schools,
Kamrup District Circle, Guwahati.

Sub.: - Verification of transfer certificate.

Ref.: - Major, ICC Legal Cell
Per Commandant No. 119/2/08/05.

Madam,

I have the honour to inform you that so far my knowledge the countersignature of Asstt. Inspector of Schools, K.D.C. Guwahati as in the transfer certificate of Smti. Alaka Saha of Holy Heart Senior Secondary School, Ghy-3 is doubtful and not similar to any Asstt. Inspector of Schools as per office records.

On the other hand, Holy Heart Senior Secondary School at Hedayetpur, A.P.C.C. Road, Ghy-3 is untraced.

This is for your information & necessary action.

Yours faithfully,

11/10/05

24/10/05
F. Repam

- 2 DEC -

गुवाहाटी न्यायालय

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH.

GUWAHATI

REVIEW APPLICATION NO. 10/2005.

Arising out of O.A. No. 160 of 2005.

Filed by Smti Alaka Saha
Through
Smti Rani Dey
Advocate, Dtr. 2-12-05

IN THE MATTER OF :

Smti Alaka Saha.

--Applicant.

- Vs -

Union of India & Ors.

--Respondents.

- AND -

IN THE MATTER OF :

Union of India & Ors.

--Review Petitioners.

- Vs -

Smti Alaka Saha.

--Applicant/Respondent.

AFFIDAVIT-IN-OPPOSITION

1) That your deponent most respectfully begs to state she has been impleaded as Respondent in the above mentioned Review Petition. Your deponent has received a copy of the Review Petition and she has gone through the same and has understood the contents thereof.

contd..2

2) That your deponent does not admit the truth of any averments made in the Review Petition save and except these which are specifically admitted hereunder.

3) That with regard to the statements made in paragraphs 1 to 5 of the review petition, the deponent prefers not to offer any comment thereon.

4) That with regard to the statement made in paragraph-6 of the review petition, the deponent begs to state that vide order dated 22.6.2005 the Hon'ble Tribunal asked the review petitioners to file show cause and posted the case on 7.7.2005 thereafter the case was listed on 13/7/05 but till 13.7.05 the review petitioners did not file any show cause.

5) That with regard to the statement made in paragraph 7(a) of the review petition the deponent begs to state that Smti Kalpana Das ~~is~~ did not secure 2nd position as she has scored third highest mark also be stated here that vide letter dated 18 July 2005 under Memo No. 230801/2/M-3(B) issued by Lt. Col. OSD for Ofig. ~~in xxxxx Appointments in~~ DOMS Mr. P. Guha it was directed to issue Appointment letters to Mrs. Marami Hira (Gen) & Miss Mary Gogoi (OBC). So, Smti Kalpana Das has not secured the second position in the select list.

Copy of the Selection list and letters dated 18/7/2005 are annexed hereto and marked as ANNEXURE-1&2.

6) That with regard to the statement made in paragraph-7(b) of the review petition, the deponent prefers not to offer any comment thereon.

7) That with regard to the statement made in paragraph -7(c) of the review petition, the deponent begs to state that she studied in the Holy Heart Senior Secondary School and with that regard the principal vide letter dated 6/10/05 addressed to the Inspector of Schools stated that deponent Smti Alaka Saha has studied in Holy Heart Senior Secondary school.

Copy of the letter dated 6/10/05 is annexed hereto and marked as ANNEXURE-3.

8. That with regard to the statements made in paragraphs 7(d) and 7(e) of the review petition the deponent prefers not to offer any comment thereon.

9. That with regard to the statement made in paragraph 7(f) of the review petition, the deponent begs to state that the principal Holy Heart Senior Secondary school vide letter dated 6/10/05 (Annexure-3) as stated in the paragraph-5 of the instant affidavit) stated

that the school is existing. Due to some problems the school is shifted from Hedgayetput, Guwahati-3, to Bharalumukh, Guwahati-9 in the year 2002 temporarily and thereafter since January 2005 this school is functioning from Birubari, Guwahati-16.

10. That with regard to the statement made in paragraph -7(g) of the review petition, the deponent prefers not to offer any comment thereon.

11. That with regard to the statement made in paragraph-7(h) of the review petition, the deponent reiterates the statement made in paragraph-9 mentioned above.

12. That with regard to the statement made in paragraph-7(i) of the review petition the deponent reiterates the statements made in paragraph-9 mentioned above.

13. That with regard to the statement made in paragraph-7(j) of this review petition, the deponent begs to state that the name of Alaka Saha which was stated in the family declaration by Smti Gita Saha in the year 1978 is the daughter of Smti Gita Saha on the other hand the date of birth of the deponent as per the school certificate which was submitted in the O.A. No. 160/05 (Annexure-2) is 20.3.1982. Also be it

stated here that the review petitioner has submitted the school certificate of the deponent by changing the date of birth as 20.3.1988.

14. That with regard to the statement made in paragraph-7(k) of the review petition the deponent begs to state that record from the office of the Inspector of schools may be called for.

15. That with regard to the statement made in paragraph -8 of the review petition the deponent strongly objects that the certificates furnished by the deponent are forged. The deponent never committed fraud or misrepresentation therefore question^{of}_A rejecting candidature of the deponent does not arise.

16. That with regard to the statement made in paragraph-I of the grounds of the review petition, the deponent reiterates the statement made in paragraph-15 mentioned above.

17. That with regard to the statement made in paragraph-II & III of the grounds of the review petition the deponent reiterates the statement made in paragraph -15 mentioned above.

contd...6

18. That with regard to the statement made in paragraph IV of the grounds of the Review petition, the deponent categorically denies that in the school certificate of the Deponent, the counter signature was forged. It is clearly stated in the letter of the school Inspector (Annexure-7, Page 27 & 28) that the counter signatures of the school Inspector is doubtful. Also be it stated that the Annexure-7 is received by the Review Petitioner with an intention not to appoint the deponent in the post of Ward Sahayika and this Hon'ble Tribunal, for verification of this fact may kindly call for the records from the office of the Inspector of Schools.

19. That with regard to the statement made in paragraph V and VI of the grounds of the Review Petition the deponent categorically denies the same and in reiterates the statement made in paragraph 18 mentioned above.

20. That the deponent most respectfully beg to state that the Review Petitioner with an x malafide intention filed this Review Petition to deprive the deponent of her legitimate appointment and the review petition being frivolous is liable to be dismissed.

contd..7

It is , therefore prayed that this Hon'ble Tribunal may kindly be pleased to verify the records and call for the records from the office of the Inspector of Schools Kamrup District Circle, Kamrup, Guwahati and on being satisfied may be pleased to dismiss the Review Petition and/or pass such other order/orders as this Hon'ble Tribunal may deem fit and proper.

And for this act of kindness, your humble applicant as in duty bound shall ever pray.

A F F I D A V I T

I, Smti Alaka Saha, aged about 23 yrs, W/O Sri Sankar Saha, C/O Smti Geeta Saha, W/s Qr.No. PA-7, 151 Base Hospital, C/O 99 APO, Basistha Road, P.O. Basistha, Guwahati-19, in the district of Kamrup, Assam, do hereby solemnly affirm and state as follows :-

1. That, I am the petitioner in this instant case and as such I am well acquainted with the facts and circumstances of the case I am competent to swear this affidavit.

2. That, the statements made in this affidavit and those made in paragraphs 1 to 4, 6, 8 to 10, 11, 12, 14 to 17, 19² of 20 the review petition are true to my knowledge, those made in paragraphs 5, 7, 13 and 18 being the matters of records derived therefrom are true to my information which I believe to be true and rest are my humble submission before this Hon'ble Court.

And I sign this affidavit on this 14th day of November 2005 at Guwahati.

Identified by me

Prasanna
14/10/05

Advocate,

Alaka Saha

DEPONENT

Annex 'B' to AHQ letter No 3/72748/111/DGMS-3B dated 11 Jul 2001

SELECTION BOARD PROCEEDING IN RESPECT OF GROUP 'D' : WARD SAHAYIKA (OBC CANDIDATES)

No	Reg n. No	Name of Candidates & Father/Husband's name	Address	Age (18 to 25 Yrs for Gen & 18 to 28 yrs for OBC)	Caste Gen/OBC	Educational qualification (min 8 th pass)	Prescribed experience (1 yr in the trade)	Experience (where applicable)	Addl qualification if any	Person-ality	Prof. Gen. knowledge	Marks in trade test (Where applicable)	Marks of interview	Total Marks	Remarks
1		Smt Manju Bezbaruah D/o Late Bhola Ram Bezbaruah	Vill: Ahboypr PO: Geruch Dist: Kamrup (Assam)	01-06-30	OBC	5 th Pass	1 yr 5 months	6 1/2	6	5	8	10	5	40 1/2	—
2		Mrs Anuma Sinha D/o Ex Naik Chandra Babu Sinha	Nisha Court D3 Belola PO: Belola Dist: Kamrup (Assam)	30-06-30	OBC	5 th Pass	1 yr 6 months	6 1/2	6	6	5	10	6	39 1/2	—
3		Mrs Kalpana Das D/o Ex Ward Sahayika Milan Das	Vill: Natun Bazar PO: Basistha Dist: Kamrup (Assam)	10-02-30	OBC	9 th Pass	2 Yrs	7	6	5	9	15	6	48	—
4		Smt Swapna Paul D/o Kanaila Paul	Thailu Krishna Nagar Kolani PO: Thailu Dist: Cachar (Assam)	05-06-31	OBC	9 th Pass	3 Months	—	6	4	8	12	5	35	—
5		Smt Alaka Saha D/o Jagabandhu Saha	C/O Smt Gita Saha (W/S) 151 East Hosp.	20-03-32	OBC	5 th Pass	1 Yr	5	5	7	12	18	8	55	Selected
6		Miss Ranu Roy D/o Shri Sudhar Roy	Baikunthapur PO: Basistha Chariali Dist: Kamrup (Assam)	21-08-30	OBC	8 th Pass	1 yr	5	5	4	9	10	5	38	—
7		Mrs Janali Das D/o Mr Tarini Das	Vill: Latakata Near MES L.P School PO: Basistha Dist: Kamrup (Assam)	01-02-30	OBC	5 th Pass	6 Months	—	6 1/2	8	7	14	7	42	—
8		Miss Mary Gogoi D/o Joy Chandra Gogoi	C/O Dr Mukul Saikia Hatigaon Sewally Path Bye Lane No2 Guwahati	01-07-32	OBC	10 th Pass	1 Yr 6 months	7	6 1/2	7	9	15	6	50 1/2	Reserve

Certified to be
True copy
By
Advocate

APD

Appx 'B' to AHQ letter No B/72748/H/DGMS-3B dated 1 Jul 2001

SELECTION BOARD PROCEEDING IN RESPECT OF GROUP 'D' : WARD SAHAYIKA (OBC CANDIDATES)

S/No	Reg n No	Name of Candidates & Father/Husband's name	Address	Age (18 to 25 Yrs for Gen & 18 to 28 yrs for OBC)	Caste Gen/ OBC	Educational qualification (min 8 th pass)	Prescribed experience (1 yr in the trade)	Experience (where applicable)	Addl qualifica- tion if any	Person- ality	Prof Gen know- ledge	Marks in trade test (Where applicable)	Marks of interview	Total Marks	Remarks
9		Miss Anu Chetn D/O Deb Bahadur Chettri	Vill: Latakata PO: Basistha Dist: Kamrup (Assam)	13-07-81	OBC	9 th Pass	1 Yr	5	6	5	8	10	5	39	—

REMARKS OF DDMS

REMARKS

[Signature]
21 Feb 05

COUNTERSIGNED

[Signature]
प्रदीप कुमार
(Pradhep Kumar)
बिजेदार
Brig
कनकपुर
Commandant

17 FEB 2005

Presiding Officer

[Signature]
(MR-04109X Col AK Pruharaj)

17/2/05

Member

1. *[Signature]*
(MR-03931A Lt Col SD Fathal)

2. *[Signature]*
(NR-16249W Lt Col (Miss) CL Pradhan)

3. *[Signature]*
(IC-49507N Lt Col Ajay Kailash of 222 ABOD)

4. *[Signature]*
(IC-694219H N6 Sul/CLK KT Singha)

5. *[Signature]*
(5827288F Steno Rakesh Chandra Gour)

File: 2782

Headquarters
Eastern Command
Fort William
Kolkata-21

NS

NO
25/7/05

230301/2/M-3(B)

18 Jul 2005

HQ 101 Area (Med)
C/O 99 APO

FILLING UP GROUP 'D' VACANCIES : WARD SAHAYIKA

Ref your letter No 73136/2/M-3(B)1 dated 16 Jun 2005.


2. As per para 3 of Army HQ DGMS(Army) letter No B/72748/III/DGMS-3B dated 11 Jul 2001 (copy att for ready ref) DDMS HQs are empowered to issue appointment offer for Group 'D' post Civ employees.

3. IAFD-931 (Board proceedings) dated 17 Feb 2005 of 151 BH for the post of Ward Sahayika in r/o Mrs Marami Hira (Gen-1) and Miss Mary Gogoi (OBC-1) alongwith all connected documents recd vide your letter under ref are returned herewith. DDMS your HQ may issue the appointment offer.

4. Following documents are also enclosed herewith which were received by this office separately vide 151 BH letter No 452/2/Civ Est/coy/2005 dated 06 Jul 2005.

- (a) Requisition for Gp 'D' employees for the post of Ward Sahayika
- (b) Advertisement in New Paper
- (c) Display put on Notice Board
- (d) Application and its connected documents of Mrs Marami Hira
- (e) Application and its connected documents of Miss Mary Gogoi

5. Please ack.


(P Guha)
Lt Col
OSD
For Offg DDMS

Encls: As above

Copy to

151 BH
C/O 99 APO

- for info wrt their letter No 452/2/Civ Est/Coy/2005 dt 06 Jul 2005.

*Certified to be
True copy
Advocate*

School Code: 12829/96

Regd. SEEA, Guwahati

Bharalumukh, Guwahati - 781016

Date: 6/10/05

To,

The Inspector of Schools.
Kamrup District Circle
Guwahati-19

Ref: Major, ICC Legal Cell
For, Commandant No. 119/2-8-05

Dear Sir/Madam,

My Notice is attach towards your Letter dtd. 22-8-05 under Memo/Commandant No. 119/2-8-05, in reply to that I hereby state as follows:-

- (1) That the school certificate of Smt. Alaka Saha issued from our school is genuine.
- (2) That the school is existing. Due to some problems the school is shifted from Hedayetpur, Guwahati-3 to Bharalumukh, Guwahati-9 in the year 2002 temporarily and then after since January 2005 this school is at Birmleni, Guwahati-16

This is for your kind information

Yours faithfully,

Principals

(Madam Prasad Gupta)

Principal.

Holy Heart High School,
Bharalumukh, Guwahati-16
BRD-BARI.

Copy to:-

(1) Smt. Alaka Saha.

Certified to be
True copy

Advocate

Typed copy of Answer-3

HOLY HEART HIGH SCHOOL
School Code 12829/96
Regd SEBA, Guwahati
Bharalumukh, Guwahati-16

Date 6/10/05

(Seal)

To,
The Inspector of Schools,
Kamrup District Circle
Guwahati-19

Ref : Major, ICC Legal cell
for, Commandant No. 119/2-8-05

Dear Sir/Madam,

My Notice is attract towards your Letter dtd.
23/8/05 under Memo/Commandant No. 119/2/8/05 in reply to that
I hereby state as follows :-

1. That the school certificate of Smti Alaka Saha issued from our school is genuine.
2. That, the school is existing, Due to some problems the school is shifted from Hedayetpur, Guwahati-3 to Bharalumukh, Guwahati-9 in the year 2002 temporarily and then after since January/2005 this school is at Birubari, Guwahati-16.

This is for your kind information.

Yours faithfully,

Sd/- Illegible,
(Madan Prasad Gupta)
Principal,
Holy Heart High School
Birubari, Guwahati-16..

Copy to :-

1. Smti Alaka Saha.

.....