

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 284 of 2001

Jabalpur, this the 7th day of May, 2004

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Bhagirath Prasad Gupta, aged about
32 years, S/o. Shri Bansilal Gupta,
R/o. Village Dharampur, Tehsil Baldevgarh,
Distt. Tikamgarh (MP), Branch Post Master
(ED Agent), Pohakhas Teh. Niwari,
Distt. Tikamgarh (MP). ... Applicant

(By Advocate - None)

V e r s u s

1. Union of India, through the
Secretary, Department of Communication
(Post and Telegraph), New Delhi.
2. Superintending of Post Office,
Chhattarpur Division, Chhattarpur
(MP), Pin Code - 47100
3. Sub Divisional Inspector, (Postal),
Niwari Sub Division, Niwari,
Distt. Tikamgarh (MP). ... Respondents

(By Advocate - Shri Harshit Patel on behalf of Shri S.C. Sharma)

O R D E R


By Madan Mohan, Judicial Member -

None for the applicant. Since it is a old case of 2001, we proceed to dispose of this OA by invoking the provisions of Rule 15 of CAT (Procedure) Rules, 1987. Heard the learned counsel for the respondents.

2. By filing this Original Application the applicant has claimed the following main reliefs :

"(1) the records of the case pertaining to the the applicant may kindly be called for the kind perusal of this Hon'ble Tribunal and the impugned order vide Annexure A-9 of termination of the services of the applicant dated 26.3.2001 passed by non-applicant No. 2 may kindly be quashed by a writ of certiorari.

(2) that the rule 6 of Post and Telegraph Extra Department Agent (Conduct and Service) Rules, 1964 may kindly be declared ultravires and be struck down from the rule



(3) a writ of mandamus be also issued commanding the non applicants not to oust the applicant from service and the non applicants be provided of his dues with heavy cost with interest in the interest of justice."

3. The brief facts of the case are that the applicant was selected for the post of Branch Postmaster (ED Agent) and he was given appointment for the vacant post vide order dated 2.6.1999. The applicant was directed to submit the original papers pertaining to his educational qualification, resident certificate and character certificate. He filed the required certificates. The applicant received the impugned order Annexure A-9 suddenly by non-applicant No. 2 terminating the services of the applicant. It was not in accordance with law. In this order no reason was mentioned and no prior intimation was given to the applicant in this regard. Aggrieved by this order the applicant has filed this Original Application claiming the aforesaid reliefs.

4. The learned counsel for the respondents argued that the applicant fraudulently obtained the job on the basis of certificate issued by Central Board of Higher Education, New Delhi which is not at all recognised Board. Besides this, there were various other irregularities which necessitated cancellation of selection of the applicant for the post of Extra Departmental Branch Post Master. The applicant was a regular student of the Government Higher Secondary School, Khargapur, from July 1979 to April 1983 and left the school after acquiring the qualification of Higher Secondary Examination in the year 1983 in second division. Therefore the marks sheet produced by him for High School Examination of 1997 which was issued on 17.6.1997 is suspected to be fake as it does not contain particulars required and that the candidate cannot



appeal in lower class when higher education was acquired. The qualification acquired by him in 1983 as per the character certificate of the Principal, Higher Secondary School, Khargapur is enough evidence of dishonest intention of the applicant to obtain employment based thereon. certificate issued by the The Central Board of Higher Education for high school examination (10+2), 1997 issued from New Delhi, awarding first division to the applicant is a bogus document.

5. We have given careful consideration to the rival contentions made on behalf of the parties and we find that on perusal of Annexure R-II i.e. the character certificate issued from the Government Higher Secondary School, Khargapur very clearly mentions that the applicant had passed his higher secondary examination in second division in 1983. While the applicant has not filed this document with his DA. He has filed certificate issued by the Central Board of Higher Education, issued from New Delhi, wherein he has been awarded as first division in the high school examination in 1997. The fact that the applicant earlier passed the higher secondary examination in second division from Government Higher Secondary School, Khargapur is suppressed by the applicant and this fact has also not been controverted by the applicant by filing any rejoinder. It means that he has to say nothing about the fact that is mentioned in the reply. The applicant has obtained his appointment on the basis of the certificate issued from the Central Board of Higher Education showing him to be passed in first division in High School Examination in the year 1997, whereas he has been awarded second division in Higher Secondary examination in the year 1983 from Government Higher Secondary School, Khargapur. We also find that the educational qualification acquired from Central Board of Higher Education, New Delhi is not



recognised by the Madhya Pradesh Board of Education and such certificates are also not recognised for the purpose of employment in the Government. Hence we find that the applicant has obtained the appointment on the basis of a fake and bogus certificate issued by the Central Board of Higher Education, New Delhi.

6. Accordingly, we are of the considered opinion that the impugned order is passed in accordance with law and it does not need any interference. Hence the Original Application has no merit and is dismissed. No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

"SA"

पृष्ठांकन सं ओ/ज्या.....जबलपुर, दि.....
प्रतिनिधि ज्ञाते जित:-

- (1) सचिव, उच्च न्यायालय एवं एग्जिक्यूटिव, जबलपुर
- (2) आवेदन सं. १०१/१५ के काउंसल
- (3) प्रत्यक्षी श्री/श्रीमती/वै के काउंसल
- (4) गंयपाल, कोटा, जबलपुर जिलापीठ

सूचना एवं आवश्यक कार्यवाही हेतु

Bayindar
17/5/04

RK Samayra
SC Sharma

File
17-5-04