

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/01362/2018

DATED THIS THE 18TH DAY OF MARCH, 2019

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI C.V. SANKAR, MEMBER (A)

Shri Changappa P.S
S/o P.K. Shambu
Aged about 27 years,
Residing at Kothur Village & Post (Kanoor)
Ponnampet, South Kodagu
(By Advocate Shri N.G. Phadke) Applicant

Vs.

1. Comptroller & Auditor General of India
No. 9, Deen Dayal Upadhyay Marg,
New Delhi – 110 124
2. Principal Accountant General, Karnataka
Indian Audit & Accounts Department,
New Building, Audit Bhavan,
Near Vidhan Soudha
Bangalore – 560 001
3. Accountant General (A&E), Karnataka,
Indian Audit and Accounts Department,

Park House Road,
Bangalore – 560 001
(By Shri M.V. Rao, Counsel for the Respondents)

....Respondents

O R D E R (ORAL)

(HON'BLE DR. K.B. SURESH, MEMBER (J)

Heard. Applicant having got 53.17 marks claims protection under our judgment in OA No. 63/2017 dated 17.01.2018 which we quote:

“Heard. The applicants submit that they had passed Graduation from a University called as EIILM University of Sikkim. Vide annexure R-2 it appears that this University is not recognised for any purpose by the concerned authorities. The case taken up by the applicants at this juncture is that in fact there is a provision under rules to appoint sports persons as LDC who has only a qualification of PUC. But, that is not the case here. They would say that they have submitted a representation also in this regard. That may not be a reason enough for them to claim a special benefit to visit them. When it is found that the University which they place reliance on, is not eligible to grant a degree, then, it appears that the applicants had not obtained the basic qualification for consideration. It also appears that the applicants might have not believed themselves to be under competent to educational system. Even when it is specifically brought forth by the respondents that this University has no recognition, no explanation regarding such a situation is forth coming from the applicants. Therefore, it has to be presumed that fully knowing that this University might not be recognized, but just going by the ease of obtaining a degree that the applicants had pursued their education for benefits. We are not aware whether such University exists or not, no such information is brought out by the applicants, even though it was in their possession. Learned counsel would say that as on that date of their applications to the University it was recognized. Other than this one statement nothing else materialises. Therefore, we have to hold that by utilizing forged certificate employment was obtained by the applicants by denying the chance to the rightful competitively meritorious persons. Therefore, we hold that the applicants are guilty of great infraction as well. We, therefore, hold that there is no merit in

the OA and also that it is a frivolous and vexatious litigation. Therefore, OA is dismissed. No order as to costs".

2. Apparently, in the case quoted, two of the selected candidates had produced false certificates and, even though were selected, it was found out at the time of verification that they have produced false certificates. However, it seems to have taken a little more time because the other persons are also contesting the issue. In the case of our order quoted above, these people's selections were set aside. However, it had taken a little bit of time for the court process to be over. The dictum in this case is that action of the Court cannot prejudice anybody. That being so, even if the time of the list is over, since it is not his fault and may be the fault of the respondents in not being able to find out the falsity of the certificates and also the Court also had taken time in its usual proceeding, this will not prejudice the applicant. Therefore, as it is now admitted that applicant is 5th in the list and therefore eligible to be considered, there will be a mandate to the respondents to appoint him within the next one month.

3. The OA is allowed. No order as to costs.

(C.V. SANKAR)

MEMBER (A)

(DR.K.B.SURESH)

MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/01362/2018

- Annexure-A1: Copy of the Hockey sports certificate of the applicant - 2010
- Annexure-A2: Copy of the Hockey sports certificate of the applicant - 2011
- Annexure-A3: Copy of the Hockey sports certificate of the applicant - 2012
- Annexure-A4: Copy of the Hockey sports certificate of the applicant – 2013
- Annexure-A5: Copy of the Hockey certificate dated 11.01.2011
- Annexure-A6: Copy of the Hockey certificate dated 16.08.2012
- Annexure-A7: Copy of the degree certificate of the applicant - April 2012
- Annexure-A8: Copy of the notification dated 07.10.2013
- Annexure-A9: Copy of the letter dated 21.11.2013
- Annexure-A10: Copy of the marks list of the candidates - Hockey
- Annexure-A11: Copy of the order dated 17.01.2018 in OA No. 63/2017
- Annexure-A12: Copy of the attestation form of Shri Nikkin Thimmaiah
- Annexure-A13: Copy of the attestation form of Shri Dalavai Subbaiah
- Annexure-A14: Copy of the University of Sikkim statement of marks of Shri Mohan Muthanna
- Annexure-A15: Copy of the UGC letter dated 22.04.2014
- Annexure-A16: Copy of the applicant's representation dated 29.01.2018
- Annexure-A17: Copy of the letter dated 25.04.2018
- Annexure-A18: Copy of the order dated 29.06.2015 in OA No. 444/2014

Annexures with short reply statement:

- Annexure-R1: Copy of the Office Memorandum dated 13.06.2000

Annexures with reply statement:

Annexure-R1: Copy of the letter dated 12.05.2015

Annexure-R2: Copy of the UGC letter dated August/2015

Annexure-R3: Copy of the letter dated 19.12.2016

Annexure-R4: Copy of the order dated 12.09.2017 in OA No. 63/2017

Annexure-R5: Copy of the circular No. NGE/2/1989

Annexure-R6: Copy of the Office Memorandum dated 13.06.2000

* * * * *