

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00486/15

Date of Order: 20.02.2019

C O R A M

HON'BLE MR. JAYESH V. BHAIRAVIA, JUDICIAL MEMBER
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER

Brajendra Kumar, son of Sri Mahesh Kumar, resident of village- Makhdumpur, Via- Terwa, PO- Bhagosa, Makhdumpur, PS- Bajirganj, District- Gaya.

.... Applicant.

By Advocate: - Mr. S.K. Dutta

-Versus-

1. The Union of India through the Chief Post Master General, Bihar Circle, Patna.
2. The Satarkya Adhikari, Meghdoot Bhawan, Bihar Circle, Patna.
3. The Superintendent of Post Offices, Nawadah Division, District- Nawadah, Bihar.
4. The Inspector of Post Office, Sub-Division (West), Nawadah cum District Appointing Officer, Gaya.
5. The Post Master, Bhagosa Makhdumpur Post Office, District- Gaya.
6. The Secretary, Bihar School Examination Board, Patna.
7. The Principal/Head Master, T.R. Model Inter School, Tekari, Gaya.
8. Shri Vikash Kumar, son of Shiv Shankar Singh, Village- Makhdumpur, Via- Terwa, PO- Bhagosa Makhdumpur, PS- Bajirganj, District- Gaya.

.... Respondents.

By Advocate: - Mr. Deepak Kumar

O R D E R
[ORAL]

Per Dinesh Sharma, A.M.:- The case of the applicant is as follows:

2. Following an advertisement published vide letter no A1/Bhagosa Makhdumpur/12, dated 5.10.12 the applicant along with others applied for the post of Post Peon/ Post Distributor. The respondent

no. 8 Vikash Kumar (hereinafter referred to as private respondent), was put at serial no 1 in the panel of candidates and has been given appointment to this post. According to the applicant, this private respondent has secured the job by producing a dubious marks sheet. It shows various major corrections (name of Vikesh Kumar substituted in the place of one Prabhat Bharti, and corrections in the names of father, mother and the roll no.). The applicant has also produced a copy of a School Certificate (Ref. Annex 5 of the OA). This certificate, which is in the name of Vikash Kumar (with other particulars, except for the roll no. and name, same as that of the private respondent) indicates that the private respondent had passed the exam in the second division and not in the first division (as would be reflected from the marks sheet). On all these grounds, the selection of the private respondent should be cancelled and the applicant, who stands second in the list of candidates, having secured higher percentage of marks than the other candidates, should be appointed to this place.

3. The official respondents have denied the claim of the applicant. They have alleged that they have got the testimonials verified by the Bihar School Examination Board (BSEB) and the BSEB has supported the marks sheet as corrected on the request of the private respondent.

4. The applicant has filed rejoinder and a supplementary rejoinder alleging that BSEB has connived with the private respondent to help the private respondent obtain the govt. job. The correction has been done after the advertisement. He has again mentioned the fact of various manual corrections in the original marks sheet, mentioning of II nd Division

in the matriculation certificate of Vikash Kumar (with parent's name same as those of Vikesh Kumar). All these, according to him, are proofs of fraud played by the private respondent.

5. We have gone through the pleadings and heard the learned counsels of the parties. There is no doubt there were a number of corrections in the marks sheet of the private respondent produced at the time of verification. However, the fact remains that the BSEB has vouched for the correctness of these corrections. The private respondent had also given a self-declaration re-asserting the correctness of the marks sheet produced by him and expressing willingness to face any disciplinary action if any misdoing was found on his part. The respondent department has apparently done its due diligence to check whether the marks sheet produced by the private respondent is correct. As alleged by the respondents, it is quite possible that the private respondent's marks got wrongly mixed up with someone else's name and roll number, and this mistake was later corrected by the BSEB on a request made by the private respondent. As regards the School Certificate (Annexure/5) the applicant has not clarified where did he get this Matriculation certificate of Vikash Kumar from. This could be a duplicate copy of the one issued before the correction in the marks sheet was done. In any case, the difference in roll number and the name makes the genuineness of this document suspect. There are no sufficient grounds to suspect that two entities, working under different Governments (The Postal Department and the BSEB) would

connive just to keep the applicant out and the private respondent in. The
OA is, therefore, dismissed. No costs.

[Dinesh Sharma]
Administrative Member
Srk.

[Jayesh V. Bhairavia]
Judicial Member