

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15846 of 2013

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1. The Union of India, through the D.G.-cum-Secretary, Department of Posts, Dak Bhawan, New Delhi.
 2. The Chief Post Master General, Bihar Circle, Patna.
 3. The Director of Postal Services [Hqr.] O/o the Chief Post Master General, Bihar Circle, Patna.
 4. The Superintendent of Post Offices, Aurangabad Division, Aurangabad.

.... Petitioners.

Versus

Nirbhay Kumar Singh, Son of Sri Rameshwar Singh, resident of Village- Shiva Bigha, P.O.- Cheia, Via- War, P.S.- Salaiya District- Aurangabad.

.... Respondent.

WITH

Civil Writ Jurisdiction Case No. 16218 of 2013

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1. The Union of India, through the D.G. cum Secretary, Department of Posts, Dak Bhawan, New Delhi.
 2. The Chief Post Master General, Bihar Circle, Patna.
 3. The Director of Postal Services (Hqr) O/O The Chief Post Master General, Bihar Circle, Patna.
 4. The Superintendent of Post Offices, Aurangabad Division, Aurangabad.

.... Petitioners.

Versus

Mahendra Kumar Singh, Son of Sri Permeshwar Singh, resident of Village - Basdiha Gopal, P.O. - Hariharpur, P.S. - Kutumba District – Aurangabad.

.... Respondent.

WITH

Civil Writ Jurisdiction Case No. 16276 of 2013

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1. The Union of India, through the D.G. cum Secretary, Department of Posts, Dak Bhawan, New Delhi.
 2. The Chief Post Master General, Bihar Circle, Patna.
 3. The Director of Postal Services [Hqr] O/O the Chief Post Master General, Bihar Circle, Patna.
 4. The Superintendent of Post Offices, Aurangabad Division, Aurangabad.

.... Petitioners.

Versus

Amod Kumar Singh, Son of Sri Ram Swaroop Singh, resident of Mohalla- MG Road, Near Amit Hotel District- Aurangabad.

.... Respondent.

Appearance :

For the Petitioners : Mr. Sanjay Kumar, A.S.G.

For the B.S.E.B. : Mr. Lalit Kishore, Sr. Adv.
Ms. Binita Singh, Adv.

For the Respondents : Mr. Rakesh Kumar Samrendra, Adv.
Mr. Manager Sah, Adv.

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
And
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)
Date: 21-08-2015

Heard learned counsels for the Union of India, Bihar School Secondary Examination Board and the contesting respondents and with their consent, these three writ petitions are being disposed of at this stage itself.

These three contesting respondents, who were the applicants before the Central Administrative Tribunal, Patna Bench, Patna (hereinafter in brevity the 'Tribunal') had joined the services of the Postal Department, Government of India, on basis of their Intermediate certificates granted by the then Bihar Intermediate Council, now Bihar School Secondary Examination Board (hereinafter in brevity 'Examination Board'). Upon information that they had secured their employment on the basis of forged marks-sheets of Intermediate, the Postal Department set up a Committee to examine the matter. At the same time, they had given information to the Central Investigation Bureau (in short 'C.B.I.'), which registered a formal case against the contesting respondents and took up investigation. In the meantime, the Postal Department examined the matter and held that on a prima facie look it appears that there was some interpolation and the marks-

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sheets being thus forged and not genuine, they were terminated from the service. This is what brought them to the Tribunal. Before the Tribunal, the contesting respondents pleaded that C.B.I. took up the case and took away the original marks-sheets and tabulation registers. Having examined the original marks-sheets and tabulation registers, the C.B.I. found the allegations of interpolation to be incorrect. Accordingly, they did not pursue the matter and informed the Court. Contesting respondents were not charge-sheeted rather they were exonerated. This was accepted by the Criminal Court. Ultimately, the Tribunal allowed the original applications filed by the three applicants/contesting respondents herein and directed their reinstatement in service. This is what the Union of India is aggrieved.

By our earlier order, we had directed the Examination Board to be added as a party and also directed them to file affidavits with regard to genuineness and otherwise of the marks-sheets of the three contesting respondents. First, a counter affidavit was filed by the Examination Board stating that the original tabulation registers and other papers were taken away by the C.B.I. in some case. They had asked for the return but the original documents had not been returned, as such they were not in a position to comment upon the marks-sheets. When this Court

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adversely commented upon the approach of the Examination Board, they have today filed a second counter affidavit in which they have now appended photocopies of the general tabulation registers and the reserved tabulation registers with an explanation that, in fact, when the C.B.I. had taken away the documents they had left behind the photocopies of all those documents which are available to the Examination Board. After perusing the photocopies, which are not clear, there appears to be chances of some interpolation.

We are surprised that the first affidavit made no mention of any such photocopy being retained. Now, on the basis of photocopies, which are not clear, such statements are being made. This Court expects more professionalism rather than amateurism from a professional body like the Examination Board. We fail to understand when the C.B.I., which was the custodian of the original records and expert body, did not find any interpolation, now what is the basis for the Examination Board to show some interpolation.

We may notice that in the totals, that are available in the annexures to the counter affidavit, there appears no chance of any interpolation. If that be so, then if certain numbers appear faint in the photocopies, in our view, on the basis of that

photocopies such drastic steps cannot be taken.

In view of the aforesaid, we do not find that the Tribunal erred in allowing the original applications and the order of the Tribunal does not require any interference. Accordingly, these three writ applications are dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Trivedi/AFR

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