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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3305 of 2011**

1. Prakash Chandra Kachhwaha, S/o Shri D.P. Kachhwaha, aged about 31 years, R/o Mathura Kachhi Ka Bagicha, Khaparganj, Bilaspur (C.G.)
2. Rupesh Sahu S/o Shri Sitaram Sahu, aged about 25 years, R/o Bandhawapara, New Sarkanda, Bilaspur (C.G.)

---- Petitioner**Versus**

1. Life Insurance Corporation of India, through the Chairman, Yogkshema, Central Office, Mumbai (Maharashtra)
2. The Zonal Manager, Life Insurance Corporation of India, 60-B Hoshangabad Road, Bhopal (M.P.)
3. The Sr. Divisional Manager, Life Insurance Corporation of India, Divisional Office, Vyapar Vihar, Bilaspur (C.G.)

---- Respondent**And****WPS No. 3870 Of 2011**

1. Augustus Ekka S/o. Poulush Ekka Aged About 43 years
Address : L. I. C. Of India, Branch : Ambikapur, Ambikapur
Dist. : Surguja (Chhattisgarh).
2. Dhaneshwar Urawan S/o. Shri Makhan Ram Aged About 33
Years Address : L. I. C. Of India, Branch : Chirimiri,
Chirimiri, Dist. : Korea (Chhattisgarh)
3. Murari S/o. Shri Gopal Aged About 32 Years Address : L. I.
C. Of India, Branch : Chirimiri, Chirimiri, Dist. : Korea
(Chhattisgarh)
4. Gopi S/o Shri Gopal Aged About 27 Years Address : L. I. C.
Of India, Branch : Chirimiri, Chirimiri, Dist. : Korea
(Chhattisgarh)
5. Subol Debnath S/o. Shri Mani Mohan Aged About 42 Years
Address : L. I. C. Of India, Branch : Chirimiri, Chirimiri,
Dist. : Korea (Chhattisgarh)

6. Devendra Kumar Naidu S/o. Shri Raghuwar Swami Naidu Aged About 36 Years Address : L. I. C. Of India, Branch : Surajpur, Surajpur , Dist. : Surguja (Chhattisgarh)
7. Nitin Ku. Saha S/o. Shri Niranjana Saha Aged About 25 Years Address : L. I. C. Of India, Branch : Surajpur, Surajpur , Dist. : Surguja (Chhattisgarh)
8. Anil Beck S/o. Shri Joseph Beck Aged About 38 Years Address : L. I. C. Of India, Branch : Surajpur, Surajpur, Dist. : Surguja (Chhattisgarh)
9. Surendra Kumar Manikpuri S/o. Shri Ram Dharan Manikpuri Aged About 36 Years Address : L. I. C. Of India, Branch : Surajpur, Surajpur, Dist. : Surguja (Chhattisgarh)
10. Karolus Kerletta S/o. Shri Bhange Sanichar Kerketta Aged About 38 Years Address : L. I. C. Of India, Branch : Surajpur, Surajpur, Dist. : Surguja (Chhattisgarh)
11. Santosh Kumar Sinha S/o. Shri Shambhu Prasad Sinha Aged About 35 Years Address : L. I. C. Of India, Branch : Surajpur, Surajpur, Dist. : Surguja (Chhattisgarh)
12. David Sengupta S/o. Shri Daniel Sengupta Aged About 33 Years Address : L. I. C. Of India, Branch : Dalli-Rajhara, Dalli-Rajhara, Dist. : Durg (Chhattisgarh)
13. Charan Kumar S/o. Shri Tiharu Ram Aged About 32 Years Address : L. I. C. Of India, Branch Office No. I, Magarpara, Bilaspur, Dist. : Bilaspur (Chhattisgarh)
14. Amit Kumar Dey S/o. Late J K Dey Aged About 49 Years Address : L. I. C. Of India, Branch Office No. I, Magarpara, Bilaspur, Dist. : Bilaspur (Chhattisgarh)
15. Laxmi Prasad Kaushik S/o. Late A R Kaushik Aged About 49 Years Address : L. I. C. Of India, Branch Office No. II, Vyapar Vihar, Bilaspur, Dist. : Bilaspur (Chhattisgarh).
16. Ashwini Kumar Tiwari S/o. Late R K Tiwari Aged About 48 Years Address : L. I. C. Of India, Divisional Office , Vyapar Vihar, Bilaspur, Dist. : Bilaspur (Chhattisgarh).
17. Pramod Kumar Ghritlahare S/o. Shri G D Ghritlahare Aged About 41 Years Address : L. I. C. Of India, Branch Office: Mungeli, Dist. : Bilaspur (Chhattisgarh).
18. Rajendra Kumar Dewangan S/o. Late M R Dewangan Aged About 38 Years Address : L. I. C. Of India, Branch Office: Mungeli, Dist. : Bilaspur (Chhattisgarh)

19. Sukhchain Das S/o. Late Samaru Das Aged About 46 Years Address : L. I. C. Of India, Branch Office No. 1, Korba Dist. : Korba (Chhattisgarh).
20. Rajeshwar Kumar Sahu S/o. Late Bhaiyaram Sahu Aged About 41 Years Address : L. I. C. Of India, Branch Office No. 1, Korba Dist. : Korba (Chhattisgarh)
21. Jugnu Kumar Bambole S/o. Shri S. Bambole Aged About 36 Years Address : L. I. C. Of India, Branch Office No. 1, Korba Dist. Korba (Chhattisgarh).
22. Jerom Kujur S/o. Shri Patras Kujur Aged About 36 Years Address : L. I. C. Of India, Branch Office No. 1, Korba Dist. Korba (Chhattisgarh).
23. Bhuwanlal Karsh S/o. Shri J. Karsh Aged About 32 Years Address : L. I. C. Of India, Branch Office No. 1, Korba Dist. Korba (Chhattisgarh).
24. Lakhanlal Bareth S/o. Shri Dularsai Bareth Aged About 35 Years Address : L. I. C. Of India, Branch Office No. 1, Korba Dist. Korba (Chhattisgarh).
25. Bhupndra Kumar Yadav S/o. Shri Ram Khilawan Yadav Aged About 26 Years Address : L. I. C. Of India, Branch Office : Bhatapara, Dist.: Raipur (Chhattisgarh).
26. Saheblal S/o. Shri Bhog Singh Aged About 47 Years Address : L. I. C. Of India, Branch Office No. 2, Korba Dist. Korba (Chhattisgarh).
27. Shivlochan Rathore S/o. Shri Chhattaram Rathore Aged About 37 Years Address : L. I. C. Of India, Branch Office No. 2, Korba Dist. Korba (Chhattisgarh).
28. Saunkhee Lal S/o. Shri Agori Ram Aged About 37 Years Address : L. I. C. Of India, Branch Office No. 2, Korba Dist. Korba (Chhattisgarh).
29. Maniram S/o. Shri Sakkam Aged About 37 Years Address : L. I. C. Of India, Branch Office No. 2, Korba Dist. Korba (Chhattisgarh).
30. Dev Prasad S/o. Shri Shobha Ram Aged About 40 Years Address : L. I. C. Of India, Branch Office No. 2, Korba Dist. Korba (Chhattisgarh).
31. Pitambar Prasad Sao S/o. Shri Minketan Sao Aged About 31 Years Address : L. I. C. Of India, Branch Office : Raigarh Dist. : Raigarh (Chhattisgarh).

32. Anil Kumar Mahant S/o. Shri S. L. Mahant Aged About 33 Years Address : L. I. C. Of India, Branch Office : Raigarh Dist. : Raigarh (Chhattisgarh).

---- **Petitioner**

Vs

1. Life Insurance Corporation of India, through the Chairman, Yogkshema, Central Office, Mumbai (Maharashtra)
2. The Zonal Manager, Life Insurance Corporation of India, 60 —B Hoshangabad Road, Bhopal (M.P.)
3. The Sr. Divisional Manager, Life Insurance Corporation of India, Divisional Office, Vyapar Vihar, Bilaspur (C.G.)
4. The Sr. Divisional Manager Life Insurance Corporation Of India, Divisional Office, 'Jeevan Prakash', Pandri Raipur (CG)
5. The Sr. Divisional Manager Life Insurance Corporation Of India, Divisional Office, Ahuja Market Budhar Road Shadol (MP).

---- **Respondent**

And

WPS No. 5138 Of 2011

1. Santosh Kumar Yadav S/o Shri Mada Lal Yadav Pashuchikisalaya Near Durga Mandir Shakti Ward Bhatapara Distt.Raipur Cg

---- **Petitioner**

Vs

1. Life Insurance Corporation of India, through the Chairman, Yogkshema, Central Office, Mumbai (Maharashtra).
2. The Zonal Manager, Life Insurance Corporation of India, 60 —B Hoshangabad Road, Bhopal (M.P.)
3. The Sr. Divisional Manager, Life Insurance Corporation Of India, Divisional Office, 'Jeevan Prakash', Pandri Raipur (CG)

---- **Respondent**

For Petitioners	Mr. Vinod Deshmukh.
For Respondents/LIC	Mr. Mukesh Sharma, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

06.08.2015

1. The petitioners were working as temporary Class-IV employees in different branches of the Life Insurance Corporation of India (for short "the LIC"). They have preferred these writ petitions seeking direction to the respondents to permit them to appear and compete in the 'One Time Limited Examination' held on 26.06.2011. The said examination has already taken place, therefore, the writ petitions would have been rendered infructuous, however, this Court, by interim order dated 24.06.2011, while refusing to grant interim relief permitting the petitioners to appear in the examination, observed that in case, it is finally decided that the petitioners were illegally deprived from appearing in the examination for their absorption, the petitioners would be entitled to claim equity and pray for appropriate order for continuance of service/absorption, the writ petitions, thus, survive for adjudication.
2. It appears large number of Class-IV employees were temporarily engaged in different branches of the LIC throughout the country.

3. According to learned counsel for the LIC, different Central Government Industrial Tribunals had ordered for absorption/reinstatement of employees and the matter travelled up to the Supreme Court in Civil Appeal No.953-968 of 2005 preferred by the LIC, which fact has not been disputed by the learned counsel appearing for the petitioners. According to the learned counsel for both the parties, the appeal before the Supreme Court was disposed of on 18.1.2011 by the Supreme Court observing that '*the respondents shall be absorbed in terms of the afore-extracted policy as expeditiously as practicable and in any case, not later than six months from today*'.
 4. The LIC, thereafter, issued instructions for holding One Time Limited Examination and the eligibility conditions for appearance therein were mentioned in the Circular issued by the LIC on 20.05.2011. It is stated in the Circular that all temporary Class-IV employees working in the LIC of India for more than five years as on 18.01.2011 and who had possessed minimum eligible qualification (pass in Standard IX) and age as prescribed by the LIC of India in its recruitment rules/instructions at the relevant time of their entry into LIC, are eligible to apply. Candidates were also required to submit copies of proof of working with the LIC for more than five years as on 18.01.2011, duly signed by the Chief Manager/Sr. /Branch Manager-In-charge of the Branch Office, Manager (P& IR)/Regional Manager(OS) in respect

of zones where the candidates are working. The onus of furnishing authentic documentary proof for the same at the time of submission of the application shall be on the candidate. The application form was also required to accompany the above said certificate. By yet another communication dated 17.05.2015, the LIC prescribed the format of certificate for proof of temporary employment

5. According to the petitioners, they were declared ineligible for appearance in the examination, therefore, the writ petitions have been preferred. It is stated that all the petitioners have worked for more than five years and fulfilled all the eligibility criteria, therefore, denial of opportunity to compete in the One Time Limited Examination is arbitrary and illegal.
6. It is the stand of the LIC that the petitioners did not submit the certificate for proof of temporary employment in the prescribed format and, as such, they were not allowed to appear in the examination.
7. I have heard learned counsel appearing for the parties at length and perused the papers annexed with the writ petitions.
8. In W.P.(S) Nos. 3305 and 5138 of 2011, the petitioners have submitted hand written certificates in proof of their temporary employment with the LIC for a period of 5 years. Their certificates were not at all in the prescribed format. In W.P. (S) No.3870 of 2011, some of the employees submitted the

certificate in the format, however, material paragraphs/details which were required to be filled in were left blank or it was mentioned as N.A./Not Available. Thus, on the first glance, it would appear to be in prescribed format but on scrutiny the required information to be included in the format were not entered therein. Thus, for lack of all the information to be mentioned in the certificate, it does not satisfy the requirement of submission of proof of employment in the prescribed format. It is , as if, a candidate would submit a certificate for educational qualification in the format prescribed without mentioning the subjects in which he had appeared or the marks obtained by him. Merely because a certificate is signed by some authority would not make it genuine or authentic unless the particulars required to be mentioned in the certificate are dully filled in. Making entries of particular nature in a certificate has its own object to achieve because in the event, the authorities, desired to verify the statement made in the certificate, it must be in a position to do so, otherwise, candidates would obtain forged certificates only for appearance in the One Time Limited Examination without they being eligible.

9. The subject examination has already taken place way back on 26.06.2011, thus, more than four years have elapsed thereafter.
10. The discussion made above would make it explicit that the petitioners failed to submit the certificate of employment with

the LIC in the prescribed format, therefore, denial of opportunity to compete in the examination was not without any reason or substance. The action of the LIC cannot be treated as illegal or arbitrary.

11. As a sequel, all the writ petitions, being devoid of merits, are liable to be and are hereby dismissed, leaving the parties to bear their own costs.

Sd/-

Judge

Prashant Kumar Mishra

Gowri