

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 293 of 2015

- Ku. Jabarani Mandal D/o Naren Mandal, Hussain, Aged About 42 years R/o P.V. 41, Pakhanjoor Tahsil Pakhanjoor, District Uttar Bastar Kanker (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Education Department, New Mantralaya, Raipur, District Raipur (C.G.)
2. Commissioner, Division Bastar Jagdalpur (C.G.)
3. Collector, District Uttar Bastar Kanker (C.G.)
4. Chief Executive Officer, Janpad Panchayat Koyalibeda, District Uttar Bastar Kanker (C.G.)

---- Respondents

For Petitioner	: Shri S.P. Sahu, Advocate appearing on behalf of Shri C.R. Sahu, Advocate
For Respondent/State	: Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

12/05/2015

1. Challenge in this petition is to the orders passed by the Chief Executive Officer, Janpad Panchayat Koyalibeda, Collector, North Bastar Kanker and Commissioner, Jagdalpur, whereby the petitioner's appointment on the post of Shiksha Karmi Grade-III has been cancelled and the petitioner's services have been terminated.

2. The Janpad Panchayat, Koyalibeda made appointment of Shiksha Karmis Grade-III in the year 2007-2008. The appointments were subsequently cancelled on discovery of facts that some of the candidates had submitted false and forged documents to obtain the appointments. Challenging the order of termination the appointed Shiksha Karmis preferred writ petitions before this Court which were disposed of by a common order

passed in the lead case W.P. (S) No. 95 of 2008 '**Ku. Punam and others vs. State of Chhattisgarh and others**' and other connected matters including W.P.(S) No. 7584 of 2007 '**Chiman Lal Koreti and another vs. State of Chhattisgarh and others**' decided on 14/03/2008. In the said case this Court passed the following order in para 22 to 24 :-

“22. The cases on hand are not the cases of cancellation of the selection process, the selection processes have not been found vitiated on account of any reason including mass copying or mass irregularities. The present cases are where the appointment orders, after having given effect to, have been cancelled subsequently, on discovery of some facts that some of the candidates had submitted false and forged documents to obtain the appointments.

23. Applying the well settled principles of law to the facts of the present cases, the respondents/authorities have already prepared a second select list on the basis of the selections held earlier. On scrutiny, most of the candidates found place in the second list and their appointments are continuing, as such. Some of the candidates could not find a place in the second list after scrutiny on account of doubtful documents submitted by them. It is, therefore, directed that the candidates who have not found place in the second select list be afforded an opportunity of hearing to establish genuineness, truthfulness of the documents submitted by them for obtaining appointment on the posts before their appointments made earlier are cancelled.

24. The impugned orders, in respect of those petitioners, who have not been selected in the second select list, shall not be given effect to until the direction mentioned, hereinabove, is complied with.”

Pursuant to the said direction, an enquiry team was constituted and on the basis of enquiry report submitted by the team, it was found that the petitioner was wrongly awarded the marks for experience and sports certificate, even though the experience certificate produced by the petitioner did not carry the signature of the issuing authority and the sports certificate was of the district level, whereas marks on the said count was to be awarded on the basis of State level certificate. Thus, petitioner's appointment was found vitiated, as on reduction of marks on the said head, the petitioner was out of the merit list.

3. Perusal of the order passed by the Janpad Panchayat would reveal that appointment of 39 Shiksha Karmis have been cancelled on like grounds. Thus, it is apparent that the appointments were obtained on the basis of

incorrect/inadmissible certificates. It appears, the Selection Committee committed huge irregularities in making appointment of ineligible and less meritorious candidates.

4. In course of argument, nothing has been placed before this Court to contradict the reasons assigned by the Janpad Panchayat while cancelling the petitioner's appointment. Since the reasons are borne out of the record and the order of cancellation having been affirmed by appellate and revisional authority, this Court does not find any merit in the writ petition. It is accordingly dismissed.

J U D G E