

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

CWP No. 12029 of 2014. [O&M]
Date of Decision: 21st April, 2015.

Raj Pal

Petitioner through
Mr. Vikram Singh, Advocate

Versus

Union Territory, Chandigarh & Ors.

Respondents through
Mr. Sekhar Verma, Advocate

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

- 1. Whether Reporters of local papers may be allowed to see the judgment?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

SURYA KANT, J. [ORAL]

The petitioner has laid challenge to the order dated 27th May, 2014 whereby the Central Administrative Tribunal, Chandigarh Bench has dismissed his Original Application in which order dated 11th April, 2013 dispensing with his services, was assailed.

[2]. The facts are not in dispute. The petitioner applied for the post of Bus Driver on the basis of an advertisement issued by the Transport Department, Union Territory, Chandigarh. Having been selected, he was offered appointment vide order dated 08th July, 2010. The petitioner was kept on probation for a period of two years in accordance with the Chandigarh Transport Department [Group-C Operational Staff Recruitment] Rules, 2006.

[3]. It is an admitted fact that the requisite qualification prescribed for the post of Bus Driver was Matriculation along with Driving Licence [Heavy Vehicle]. After the petitioner's appointment,

it transpired on verification that the Matriculation certificate, furnished by him, purportedly issued by All India Board of Secondary Education, Delhi on 30th December, 1995 [A-1], was fake and bogus as neither there existed an Education Board in the name of 'All India Board of Secondary Education' nor could any occasion arise for the petitioner to appear and pass such examination.

[4]. We are informed that the signatory of the certificate on behalf of the Board – Balwant Rai Arora, was found guilty of forging and fabricating thousands of certificates and was convicted and sentenced in a criminal case for such forgery and fabrication.

[5]. Having detected that the petitioner had entered into public employment on the basis of a forged and fabricated certificate and actually he did not possess the minimum academic qualification, a show cause notice was issued and after considering his reply, the order dismissing him from service was passed.

[6]. The aggrieved petitioner approached the Central Administrative Tribunal who has, in the light of the glaring facts mentioned above, dismissed the Original Application.

[7]. Still aggrieved, the petitioner has approached this Court.

[8]. We have heard learned counsel for the parties and gone through the record.

[9]. It is undeniable that the matriculation certificate relied upon by the petitioner is a fake and fabricated document. It is also not in dispute that the petitioner has not passed matriculation examination from any recognised Educational Board before or after entering the public employment. In these circumstances, when the

petitioner does not fulfill the requisite academic qualification prescribed for the post of Bus Driver, his very entry into service through fraudulent means can not be legitimatised. The action of the authorities in terminating the petitioner's service or the order passed by the Tribunal upholding such action, thus, warrants no interference by this Court. The writ petition is accordingly dismissed.

(SURYA KANT)
JUDGE

April 21, 2015.
dinesh

(P.B.BAJANTHRI)
JUDGE