

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.513 of 2016

Santosh Kumar, S/o Sri Jata Shankar Singh, Resident of village + Post Office - Bhargama, Police Station - Bhargama, District - Araria.

.... Petitioner/s

Versus

1. The Union of India through the Chief Postmaster General, Bihar Circle, Patna.
2. The Chief Postmaster General, Bihar Circle, Patna.
3. The Postmaster General (North Region) Muzaffarpur, at P.O. and District - Muzaffarpur.
4. The Superintendent of Post Office, Purnia Division, Purnia.
5. The Inspector of Post Office, Farbesganj Sub-Division, District - Araria.
6. Sri Prakash Kumar, S/o Sri Shiv Narayan Sah, resident of Village & P.O. - Banmankhi Chakla, Ward No. 7m, District - Purnia.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate.
Mr. Md. Imteyaz Ahmad, Advocate.
For the Union of India : Mr. S.D. Sanjay, A.S.G.
Mr. Abhay Shankar Jha, C.G.C.
For the Board : Mr. S.S. Sundaram, Advocate.
For Respondent No. 6 : Mr. A.P. Ambasth, Advocate.

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 26-09-2016

Heard learned counsel for the parties.

2. The challenge in the present writ application is to an order passed by the learned Central Administrative Tribunal, Patna Bench, Patna (for short “the Tribunal”) on 23rd of September, 2015 in O.A. No. 050/00748/2015 whereby, an Original Application filed by the petitioner was dismissed as barred by limitation.

3. The petitioner as well as Respondent No. 6 were the

candidates for the post of Gramin Dak Sewak Branch Post Office, Simarbani, District- Araria. Respondent No. 6 was selected in the year 2011. The petitioner filed an Original Application challenging the appointment of Respondent No. 6 in the year 2015. It is the said petition which was found to be barred by limitation.

4. Learned counsel for the petitioner vehemently argued that he came to know about false declaration of the marks of the selected candidate when he got the information from the Principal, Sri Singheshwar Sanskrit High School, Singheshwar, Madhepura on 19th of August, 2015 that Respondent No. 6 has obtained 429 marks. It is pointed out that in fact Respondent No. 6 has produced the marks-sheet (Annexure-6) given by Bihar Sanskrit Shiksha Board, Patna at the time of his selection and appointment which shows that he has obtained 522 marks out of 700 marks.

5. We find that the two certificates produced by the petitioner are from two different Institutions, one by the Bihar Sanskrit Shiksha Board which has issued the certificate and the other by the school of which Respondent No. 6 was stated to be student. We find that in the face of certificate issued by the Board, a communication of the school cannot be preferred. It cannot be said that the marks-sheet produced by Respondent No. 6 (Annexure-6) is forged on the basis of communication from the Principal of the

School, authenticity of which cannot be confirmed.

6. Still further in the counter affidavit document (Annexure-A) has been appended. As per the said communication, the certificate issued by the Bihar Sanskrit Education Board, has been found to be genuine on personal visit to the Board.

7. We find that the cause of action to dispute the selection arose in the year 2011 and not on the basis of fishing inquiry conducted by the petitioner on the basis of which he has produced a certificate from the school.

8. In view thereof, we do not find any error in the findings recorded by the Tribunal that the petition is barred by limitation. We do not find any ground to interfere in the writ jurisdiction of this Court.

9. The writ application is, thus, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	04.10.2016
Transmission Date	N.A.