

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 25251 of 2015

ORDER:

1) The action of the respondents-State Road Transport Corporation (for short "the corporation") in terminating the contract agreement entered into by the petitioner with the respondents' Corporation is subject matter of challenge in the present writ petition.

2) The facts in issue are as under:

The petitioner was having valid driving licence bearing No.4298/ G/ 1995 issued by the Road Transport Authority, Guntur. A paper notification came to be issued by the respondents' Corporation on 26.11.2004 inviting applications for the post of drivers on contract basis. As per the notification, the required eligibility to apply the post of driver is as under:

- 1) Able to read and write Telugu or Urdu
- 2) Not less than 165 cms. of height
- 3) Having valid heavy motor driving licence obtained 5 years prior to the date of selection
- 4) One should be about 25 years and below 35 years as on 01.07.2004.

Since the petitioner satisfied the requirements and as he was enrolled in employment exchange, his name was sponsored for the post of Driver Grade-II. A letter dated 13.12.2004 came to

be issued asking the petitioner to obtain application form from the respondents' office and submit the same. The petitioner was subjected to certain tests and thereafter he was declared to have been selected for the post of driver vide proceedings dated 05.05.2005. While he was doing his work to the best of his ability, he received the impugned order terminating his services as contract driver. Challenging the same, the present writ petition came to be filed.

3) A counter came to be filed by the respondents' Corporation disputing the averments made in the affidavit filed in support of the writ petition except those admitted by them. It is their case that when the Transfer Certificate submitted by the petitioner was sent for verification to the authorities of Zilla Parishad High School, Govardhanagiri, Kurnool District and the Head Master, Zilla Parishad High School, Govardhanagiri, it was found that the transfer certificate with admission No.4892 produced by the petitioner is not genuine as per their register and that their register indicate admissions only upto 1200. In view of the above, it is submitted that the action taken by the authorities in dismissing the petitioner with immediate effect is not illegal or improper or perverse.

4) Learned counsel for the petitioner mainly submits that since the petitioner satisfied all the requirements for the post of driver, submitting a fake Transfer Certificate cannot by itself lead to termination of his services as driver on contract basis. He further

submits that since no educational qualifications are prescribed for the post of driver submitting fake Transfer Certificate cannot be a ground to disqualify him.

5) It is to be noted that though the petitioner has filed the writ petition challenging his termination from service, there is no interim order passed by this Court.

6) The advertisement dated 26.11.2004 issued by the 2nd respondent show that apart from four qualifications which the applicant has to fulfil, he should also submit the driving licence, educational certificate, caste certificate and nativity certificate certified by the concerned M.R.O. within six months. Therefore, it is clear that apart from fulfilling the four conditions referred to above, the petitioner selected shall also submit Xerox copies of driving licence, educational certificate, caste certificate and nativity certificate certified by the concerned Mandal Revenue Officer within six months.

7) The record reveals that the petitioner has submitted these certificates within six months but on verification of the Transfer Certificate submitted by the petitioner it was found to be a bogus one. It has been categorically stated in the counter that the Z.P. High School, Govardhanagiri issued Transfer Certificates only upto 1200 and that no certificate with admission No.4892 was issued by the said School. No reply came to be filed disputing the same. On the otherhand, it is urged that the educational qualification is not a pre-requisite for the post of driver, hence production of

educational certificate even assuming it to be a bogus one does not by itself debar the petitioner from holding the post of driver. I am afraid the said argument cannot be accepted since the advertisement issued for the post of driver also specifies that the candidate must fulfil certain other requirements namely production of driving licence, educational certificate, caste certificate and nativity certificate. Though the said certificates may not be relevant for the purpose of driving, but definitely it may be required not only for providing employment to the candidate but also for establishing the date of birth of the petitioner since the prescribed age for entering into service for the above said post was above 25 years and below 35 years.

8) From the above, it is clear that for obtaining the job of a driver the petitioner has produced fake/false and fabricated transfer certificate and thereby committed fraud on the respondents Corporation. In other words, believing the documents to be genuine though it is false and fabricated, the petitioner was selected and appointed as a driver by the respondent-Corporation.

9) Having regard to the facts and circumstances of the case, I see no grounds to interfere with the order under challenge. The respondent authority was right in taking the impugned action, having come to know about the fraud committed by the petitioner in obtaining employment as a driver.

10) Accordingly, the writ petition is dismissed. No order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

21.09.2016
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