

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1345 of 2014

IN

Civil Writ Jurisdiction Case No. 11660 of 2008

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Surendra Kumar Gond Son of Late Basawan Sah Gond Resident of village -
Harnahi, Post Office - Bimwan, Police Station - Jagdishpur, District - Bhojpur

.... Appellant

Versus

1. The Union of India
2. The Inspector General, C.R.P.F., Head Quarter, Patna
3. The Deputy Inspector General, C.R.P.F., Head Quarter, Patna
4. The Commandant, Battalion - 147, C.R.P.F. at Kashipur Silchar, Assam
5. The Assistant Commandant, Battalion - 147, C.R.P.F., at Kashipur, Silchor, Assam
6. The State of Bihar through the District Magistrate, Bhojpur, Ara
7. The Sub Divisional Magistrate, Jagdishpur, District - Bhojpur

.... Respondents

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Appearance :

For the Appellant : Mr. Baxi S.R.P.Sinha, Senior Advocate
Mr. Satyendra Narayan Singh, Advocate

For the Respondent UoI: Mr. Manoj Kumar Singh, C.G.C.

For the Respondent State: Mr. Nagendra Prasad Yadav, SC-23
Mr. Rohit Mishra, AC to SC-23
Mr. Ranvijay, AC to SC-23

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 28-04-2017

Dismissal of the writ application by the learned single Judge on 07.05.2014 is the cause of action for this appellant to move in Letters Patent Appeal.

The appellant was selected and appointed under Central Reserve Police Force (CRPF) on the post of a constable. His appointment was based on his declaration that he belonged to a Scheduled Tribe and his selection was also made on the basis of such



a declaration. However, it seems, on verification this declaration was found to be false and misleading on an enquiry made by the Sub Divisional Magistrate and based on that input and report, the Commandant, 147 Battalion, CRPF, Silchar, Assam, decided to dismiss the appellant vide order dated 25.10.2007. This became the reason for the appellant to file a writ application and seeking quashing of the said order along with the order of the appellate authority dated 29.04.2008. The learned single Judge went through the entirety of the enquiry and the material which has been dealt in detail and he came to a considered opinion that the caste certificate was either forged or fake and the appellant did not belong to Scheduled Tribe category, therefore, refused to interfere with the order of dismissal.

Since nothing new has emerged in this present appeal as to the evidence, contrary to such finding of the authorities, which can be said to be erroneous or can demolish the finding, the decision of the respondent authorities to terminate his services for obtaining employment by method foul, cannot be supported by any authority much less a Court of law.

After due examination of the order impugned and the materials, we come to the finding that the learned single Judge has committed no error in dismissing the writ application because the



appellant cannot be rewarded for a wrong committed by him and him alone as he was the direct beneficiary.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

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