

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12370 of 2017

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Parmeshwar Pandit, Son of Sri Sewak Pandit, Ex-Vice Principal, Jawahar Navodaya, Gandey, District- Giridih, resident of Village- Barhai, P.O.- Churhat, District- Sidhi Madhya Pradesh.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Human Resources Development, Government of India New Delhi.
2. The Commissioner, Navodaya Vidyalaya Samiti, B/ 15, Institutional Area, Sector- 62, Noida- 201307, Uttar Pradesh.
3. The Joint Commissioner (Personnel) Navodaya Vidyalaya, Samiti, B/15, Institutional Area, Sector-62, Noida 201307, Uttar Pradesh.
4. The Assistant Commissioner (Est-III), Navodaya Vidyalaya Samiti, B/15, Institutional Area, Sector- 62, Noida- 201307 Uttar Pradesh.
5. The Deputy Commissioner Navodaya Vidyalaya Samiti, Patna Regional Boring Road, Patna.
6. The Principal Jawahar Navodaya Vidyalaya, Gandey, Giridih, Jharkhand.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Brij Nandad Prasad, Adv. Mr. Siya Ram Shahi, Adv.
For the NVS	:	Mr. Siddhartha Prasad, Adv.
For the UOI	:	Mr. Satyavrat Verma, CGC.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 31-10-2017

Dismissal of the O.A. application by the Central Administrative Tribunal, Patna Bench, Patna on 1st of May, 2017 is the cause of action for the petitioner to approach the High Court in a writ jurisdiction.

O.A. application was filed since the disciplinary authority, after due enquiry, passed an order of dismissal of the present petitioner vide order dated 13.02.2013 and the said order was



also affirmed by the appellate authority. The order of the appellate authority is dated 17.04.2013.

The brief facts are that the petitioner came to be appointed as a Post-Graduate Teacher in Mathematics in the Jawahar Navodaya Vidyalaya under the Scheduled Caste category. He also earned promotion as a Vice-Principal with effect from 02.07.2008. It transpired that subsequently sometime in the year 2010 based on certain inputs that the petitioner has obtained appointment on a forged caste certificate of Scheduled Caste despite being 'Kumhar' by caste, an enquiry was held, full opportunity was given to the petitioner and on the evidence as well as verification about the authenticity of the caste certificate purportedly having been obtained from the office of Tehsildar, Churhat, District-Sidhi (M.P.), which was caste certificate no.126 dated 18.02.1992, the same was found to be a forged one because this was the certification given by the office of Tehsildar on enquiry and inputs sought by the authorities.

The reason for obtaining caste certificate from the office of Tehsildar, Churhat, District-Sidhi (M.P.) is because a presidential notification puts 'Kumhar' as Scheduled Caste in that district.

There is no factual dispute that the appointment was given to the petitioner on the basis of the said caste certificate. In other words, he derived the benefit of reservation on the basis of the



said caste certificate. If the foundational fact of the caste certificate having found to be forged is established, then natural corollary thereto would be dismissal of such an employee who has attained advantage by fraud on the face.

Besides the order passed by the Central Administrative Tribunal, the Court has gone through in detail the enquiry report and the certification issued by the District authorities of such a caste certificate to be a forged one which never having been issued by any competent authority which are all part of record.

If this be so, then the Tribunal has committed no error by refusing to go into reappraisal of the evidence which in any manner does not lead to any other conclusion and the finding of fact stands that the caste certificate obtained by the petitioner for begetting employment was not only invalid but is fraudulent document and since benefit of reservation is meant for people who are actually beneficiaries under the constitutional scheme, any interloper or any person who has attained advantage by presenting himself to be one of such category cannot be beget any indulgence or protection by a court of law. Any view taken in favour of such a candidate or applicant or petitioner would be directly denying the benefit of reservation which should rightly accrue to a genuine Scheduled Caste and not imposter like the petitioner.



We are not convinced that any injustice has been done with the petitioner because a proper regular enquiry was held over a prolonged period of time and repeated opportunity or indulgence was given to the petitioner to establish his bona fide.

The order of the Tribunal does not warrant any interference in the writ application.

Writ application stands dismissed in view of the above.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	
CAV DATE	
Uploading Date	01.11.2017
Transmission Date	

