

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14390 of 2017

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Mahesh Prasad Singh, Son of Gauri Shanker Singh, Resident of Village-Kena,
Post Kena Sarai, P.S. Muffassil, Distt-Nawada

... .. Petitioner/s

Versus

1. The Union of India through Secretary D.G. Posts, New Delhi-110001.
2. The Chief Post Master General, Bihar Circle, Patna-800001.
3. The Superintendent of Postal Department, Nawada Division, Nawada
4. The Post Master General, South Region, Gaya.
5. The Director Postal Services (HQ.), Central Region, Office of the Chief Post Master General Bihar, Patna-800001.
6. The Chief Vigilance Commissioner, Central Vigilance, Commission Satarkata Bhawan, G.P.O. Complex, Block-A, INA, New Delhi.
7. The Head of Branch, Anti Corruption Branch, Central Bureau of Investigation, Dr. S.K.Singh Path, Bailey Road, Patna-800022
8. The Bihar State Sanskrit Shiksha Board through its Secretary,17 Harding Road Patna.
9. The Bihar State Madarsa Board, Bihar, Patna
10. Pramod Kumar Pandey @ Abinash Pandey Son of Raghunandan Pandey, Posted at Hisua Nawad Sub-Postoffice Designated at Post Group-D

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Verma, Advocate
For the U.O.I.	:	Mr. S. D. Sanjay, A.S.G.
		Mr. Kumar Priya Ranjan, CGC
For the C.B.I.	:	Mr. Bipin Kumar Sinha, Advocate
For the S.S. Board	:	M/s S. S. Sundaram,
		Shashank Shekhar Jha, Advocates

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date : 21-08-2018

We have heard the parties and have perused the records of this case. The present writ petition in the form of Public Interest Litigation has been filed drawing attention of this Court towards irregularities committed in appointment of Assistant



Superintendent Post / Postman Cadre, Extra-Departmental Agents/Gramin Dak Sewak by the Postal Department on the basis of forged certificates since last ten years and for issuing direction to the respondents to inquire into the matter by any agencies of the Central Government so that proper action could be taken against them.

The petitioner has alleged that during the period of 2009-2013 more than 2300 GDS (Gramin Dak Sewak) were appointed and majority of them were appointed only on the basis of Madhyama /Fokanis etc. without having matriculation certificate. The petitioner has obtained the list of various GDS employees who have been appointed in Muzaffarpur, Samstipur, Sitamarhi and Nawada etc. between the year 2008 to 2013 on the basis of Madhayama certificate which were allegedly forged and fabricated. It has also been brought to the notice of this Court that the C.B.I. has lodged a case with respect to the appointment on the basis of forged and fabricated document in the district of Nawada being P.S. Case No.RC02320 15A 0001 dated 27.02.2015. On the basis of the aforesaid, it is urged that the matter requires high level inquiry and investigation to find the truth.

A detailed counter affidavit has been filed on behalf of the respondent nos.1 to 5 stating categorically that the appointment



of the Gramin Dak Sewak figuring in the list enclosed with the writ petition has been verified and the C.B.I., Patna Branch has also seized the documents relating to their genuineness and authenticity. In some cases, C.B.I. has found their mark-sheet and certificates to be forged and fake in course of its investigation. However, at the same time, it is also stated that it is wrong to say that during span of time between 2009 – 2013, more than 2300 GDS (Gramin Dak Sewak) were appointed rather the fact is that only 100 appointments in GDS cadre were made. The C.B.I. has found the marks-sheet and certificates of eight candidates forged and action has already been taken against them by putting them out of duty and also by drawing disciplinary proceeding under Conduct and Engagement Rule, 2011 for their dismissal / removal. F.I.R. has also been lodged by the C.B.I. against four persons for submission of forged marks-sheet and certificates, who have been named in paragraph nos.25 and 26 of the counter affidavit.

Having regards to the aforementioned facts and circumstances of the case, we are of the view that necessary action is being taken by the Department and Central Bureau of Investigation by drawing disciplinary proceedings for removal/dismissal of such candidates who have been found to have been appointed on the basis of forged certificates after



putting them out of the duty and also by lodging first information report and investigating the matter.

Accordingly, we are of the view that this proceeding does not require to continue in view of the events which have taken place during its pendency, as has been stated above.

As such, this petition stands disposed of.

However, before parting with the matter, we make it clear that if the writ petitioner still finds certain irregularities or any laxity by the department, he would be at liberty to bring the matter to the notice of the competent authority or forum.

(Mukesh R. Shah, CJ)

(Dr. Ravi Ranjan, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.09.2018
Transmission Date	NA

