

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 22361 of 2002

O R D E R:

This writ petition is filed seeking to issue a writ of *Certiorari* calling for records pertaining to and related to ID No.55 of 2000 on the file of respondent No.1 and quash the Award dated 25.07.2001 as illegal and arbitrary.

It is stated that petitioner was engaged as daily wage Conductor in respondent No.2-Corporation. The main allegation leveled against him is that at the time of joining duty, he produced fake SSC Certificate. The Corporation issued charge sheet dated 13.1.2000 to petitioner by framing two charges against him and the Enquiry Officer after conducting detailed enquiry, submitted the enquiry report. For the proven misconduct, a show cause notice dated 06.04.2000 was issued to petitioner and removed him from service by order dated 08.04.2000. The Appellate Authority, dismissed the appeal filed by petitioner by order dated 08.05.2000. Aggrieved by the same, he filed ID No.55 of 2000 before respondent No.1, wherein respondent No.1- labour Court dismissed the same confirming the

order of removal passed by the Corporation. Questioning the same, the present writ petition is filed.

Heard learned counsel for petitioner and learned Standing Counsel for appearing for respondent No.2-Corporation.

During the course of arguments, this Court put a specific question to learned counsel for petitioner as to whether petitioner passed SSC examination and had he possessed genuine SSC certificate as on today at least. The counsel could not give any answer in affirmative in this regard. In the absence of possessing minimum requisite qualification, the relief sought by the petitioner cannot be granted and his case cannot be considered to the post of Driver and the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

Miscellaneous Petitions, if any, pending in this writ Petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

17.12.2018
Mj// *