

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14150 of 2014

=====

Sachidanand so of Shree Lakshman Rai, r/o Village Kamarganj, PO
Gahangira, PS Sultanganj, District Bhagalpur

... .. Petitioner

Versus

1. The Union Of India through the Home Secretary, Govt. of India New Delhi
2. The Commandant 227 BN, CRPF Bangrasia, Bhopal (Madhya pradesh)
3. The IGP (Irg) Dte. General CRPF, New Delhi
4. The IGPS/Sector CRPF Hyderabad

... .. Respondents

=====

Appearance :

For the Petitioner/s : Mr.Sucheta Yadav
For the Respondent/s : Mr. Raj Kamal, CGC.

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 27-08-2019 Heard learned Counsel for the petitioner and the

learned Counsel for the respondent Union of India.

The writ petition has been filed for setting aside the
order dated 23.5.2014 passed by the Commandant terminating
petitioner's services on the ground that the petitioner could not
produce a certificate in support of his claim of being a
matriculate.

Petitioner's Counsel submits that the matriculation
certificate of the petitioner, which formed the basis of his
employment (Annexure 1) has been duly verified by the
petitioner under the Right to Information Act. The authorities
have not considered the same.

The information received by the petitioner under



Right to Information Act is Annexure 4 to the rejoinder. The same has been obtained much after filing of the writ petition and do not form part of the main pleadings and as such submission that the authorities have not considered the same is not tenable in the eyes of law.

The information obtained under RTI, which has been placed on record also does not disclose as to which certificate has been verified.

Counsel for the respondent Union of India has rightly pointed out that the certificate, which has been annexed along with the writ petition, prima facie as per the date mentioned thereupon was issued on 28.5.2014. The petitioner had already been removed from service on 2.5.2014.

In view of the said circumstances, the certificate relied upon by the petitioner in the instant proceedings in support of his employment, could by no stretch of imagination be the basis of his selection, since the same has come into existence much after his appointment and even after his termination.

Though the matter had been adjourned twice, petitioner has still not placed on record copy of the certificate which has been relied upon in the process of selection.

The facts are such that do not inspire any confidence



so as to invoke this Court's jurisdiction under Article 226 of the Constitution of India.

The termination of service under order dated 2.5.2014 is also under sub-rule 1 of Rule 5 of the Central Civil Services (Temporary Service) Rules 1965. Procedurally also, there is no error inasmuch as the same has been issued at a time when the petitioner had yet to acquire permanent status on the post.

The writ petition is thus devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

SNkumar/-

U			
---	--	--	--

