

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15520 of 2018

Arvind Kumar, S/o Sitaram, Resident of Mohalla-Sandalpur, Ambedkar Colony, P.O. Mahendru, P.S. Sultanganj, District-Patna

... .. Petitioner/s

Versus

1. The Union of India through the Controllor of Auditor General India, New Delhi.
2. The Principle Director of Audit (Rail), East Central Railway Zonal Office, Hajipur
3. The Deputy Director of Audit (Rail), East Central Railway Zonal Office, Hajipur
4. The Senior Audit Officer (Admn) (Rail), Officer of the Principle Director of Audit, East Central Railway Zonal Office, Hajipur
5. The Divisional Audit Officer, Office of DRM, EC Railway, Dhanbad Division, Dhanbad

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ajay K. Singh, Advocate Mr. Raj Kumar, Advocate
For the Respondent/s	:	Mr. Arun Kumar Arun, Advocate

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

3 20-01-2020 Heard learned counsel for the petitioner and learned counsel for the State.

In the present case, the petitioner was working as casual employee and at the time of his engagement, the petitioner was not holding the requisite qualification of 10th class. Liberty was granted that he would obtain the requisite qualification within two years then he will be considered for the



confirmation. Within two years, the petitioner has produced a certificate issued by the Uchhatar Madhyamik Siksha Mandal, Delhi, which was found to be not a recognized institution under the counsel of Boards of School Education in India, Ministry of Human Resource Development, Government of India, Delhi, Government of National Capital Territory of Delhi and Central Board of Secondary Education, Delhi Region, Delhi so his submission of the certificate is rejected and the petitioner has been dismissed from service. The counsel for the petitioner submits that he has produced the certificate issued by the National Institute of Open Schooling before the impugned order was passed but failed to produce the requisite qualification within the time prescribed. The Tribunal has rejected the claim of the petitioner. The petitioner for the relief of acceptance of subsequent certificate and granting him confirmation, moved before this Court in C.W.J.C. No.13380 of 2017, which was permitted to be withdrawn to file review application in the Tribunal. Tribunal again considered the case of the petitioner and did not find any merit to review the earlier order and rejected the same.

Learned counsel for the petitioner submits that he has obtained the certificate before the impugned order was passed



and as such the authorities should have considered his certificate and instead of passing the impugned order should have confirmed his service. The question in present case is that admittedly, on the date of his engagement/ employment, he was not holding the requisite qualification. In such circumstances, he was granted relaxation of two years, within which he was to produce the certificate though he has produced certificate but from an institute which is not recognized, rather it is a fake institute, though he has produced the certificate from the National Institute of Open Schooling, which is not known to this Court, as to whether it is recognized or not recognized but even subsequent submission of certificate will not be able to help the petitioner as he was granted two years relaxation for production of certificate of tenth which he admittedly failed.

In such circumstances, the Court cannot substitute the decision which was taken by the authority concerned, thereby granted the relaxation of two years for production of matriculation certificate. In such view of the matter, this Court does not find any merit. The learned counsel for the petitioner submits that certain persons who are at par with the petitioner has been granted relief but the learned counsel for the Union of India submits that no such relief to any other has been given and



the submission made by the learned counsel for the petitioner is completely wrong and has no substance.

Be that as it may, as the Government is within its knowledge, we cannot make any comment on the same. In such view of the matter, no relief can be granted.

Accordingly, the writ petition is dismissed.

(Shivaji Pandey, J)

(Anjani Kumar Sharan, J)

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