

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 3145 of 2008**

- Jitendra Singh Jaat S/o Shri Amar Singh Jaat, Aged about 31 years, R/o Village And Post - Paatsiwni, Block - Chura, Tehsil - Gariyabandh, District - Raipur C.G.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through the Secretary, Department of Panchayat & Rural Development, DKS Bhawan, Raipur (CG)
2. The Chief Executive Officer, Zila Panchayat, Raipur, District Raipur (CG)
3. The Chief Executive Officer, Janpad Panchayat, Abhanpur, District Raipur (CG)
4. The District Education Officer, Raipur, District Raipur (CG)
5. The Block Education Officer, Abhanpur, District Raipur (CG)

---- Respondent

For Petitioner	Mr. Trivikram Nayak, Advocate
For Respondent/State	Ms. Fouzia Mirza, Additional Advocate General and R. Tripathi, Panel Lawyer
For Respondent No.3	Mr. Pawan Shrivastava, Advocate

Hon'ble Mr. Justice Prashant Kumar Mishra**Order On Board****9/1/2020**

1. Heard.
2. The petitioner was appointed as Shiksha Karmi Grade-III on 29.6.2007. He joined on 7.7.2007 in the Abhanpur Block.

3. On receipt of some complaint that large number of appointments have been made on the basis of forged documents, the Collector, Raipur, constituted a three member Committee to enquire into the issue. The Committee submitted its report on 17.5.2008 finding that out of 13 appointments made on 29.6.2007, 7 persons have secured appointment on the basis of forged documents. It was found in the enquiry that the petitioner submitted a certificate of having participated in the State Level School Sports Competition in the year 2000, whereas, in the said year, the petitioner was not admitted to any School but was in fact carrying on his B.Ed. course. It was also found that the certificate of having worked as *Janbhagidari* Teacher from 2000 to 2006 is also not correct because on verification, the concerned school informed that during the said period the petitioner worked as *Vaikalpik Shikshak*.
4. In rejoinder, the petitioner would state that he had in fact submitted the certificate of having participated in the State Level School Sports Competition in November 1994 and not of participation in November 2000.
5. It is argued that the certificate filed along with the rejoinder may be enquired. In respect to the certificate of experience of having worked as *Janbhagidari* teacher, it is stated that the said certificate was not submitted by the petitioner in his application form.
6. No statement has been made in the rejoinder in respect of discrepancy about the certificate of having worked as *Janbhagidari* Teacher. In the state of pleadings and documents available on record, it is established that the petitioner has in fact worked as

Vaikalpik Shikshak from the year 2000 to 2006 at Government High School, Paatsiwni and has never worked as *Janbhagidari* Teacher for the entire period but has worked in this capacity for only one Academic Session in the year 2005.

7. The certificate of having participated in the State Level Sports Tournament, 2000 is part of the record submitted before this Court, which the petitioner had annexed with his application form. It is issued in the petitioner's name and carries signature of the Principal of the School, Assistant Commissioner (Tribal Development) and Additional Collector, Pendra Road.
8. Since the petitioner was the beneficiary of the selection process based upon above two certificates, it is unbelievable that any other person would insert these certificates in the name of the petitioner.
9. It has been argued that the petitioner was not provided any opportunity of hearing during enquiry and not even a show cause notice was issued before termination, therefore, the impugned order is violative of principles of natural justice.
10. Had it been a case that the petitioner was removed on account of deficiency in performance after appointment or due to some irregularity in the selection process, this contention might have been accepted but once it is found that the appointment itself was secured on the basis of marks allotted to him in the selection process relying upon forged certificates, the principles of natural

justice may not come into play to assist the petitioner, because, in such a case, the appointment is void *ab initio*.

11. Clause 11 of the appointment order also provides that if upon verification of the certificates submitted by a candidate, it is found that there is any discrepancy or any certificate which has formed basis in making the appointment is found incorrect, the same shall be liable to be cancelled without notice.
12. It is informed that the petitioner has subsequently been appointed as Shiksha Karmi in the year 2011-12.
13. Considering all the relevant aspects of the matter, the petition is not found fit for interference with the impugned order of cancellation of appointment of the petitioner.
14. The writ petition has no substance, it fails and is hereby dismissed.

Sd/-

(Prashant Kumar Mishra)
Judge