

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5504 of 2021

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Chanda Kumari, aged about 31 years, Wife of Pramod Kumar, Resident of
Village- Gauspur Ijra, P.S. Hajipur Sadar, District - Vaishali at Motihari.

... .. Petitioner

Versus

1. The Union of India, Ministry of Postal through the D.G. Cum-Secretary,
Department of Posts, Dak Bhawan, New Delhi.
2. The Chief Post Master General, Bihar Circle, Patna.
3. The Superintendent of Post Officer, Vaishali Division, Vaishali.
4. Postal Inspector, Mahua, District - Vaishali.
5. Assistant Postal Superintendent, Hajipur.
6. Postal Inspector, Hajipur.

... .. Respondents

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Appearance :

For the Petitioner/s : : Dr. Om Prakash Om, Advocate
For the Respondent/s : : Mr. Rajesh Kumar Verma, A.S.G.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE VIKASH JAIN)

Date : 16-08-2021

Heard learned counsel for the petitioner and learned
counsel for the respondents through video conference.

2. Learned counsel for the petitioner has filed an
undertaking that all defects pointed out by the stamp reporter
shall be removed, and compliance with the conditions of the
notices of this Court with regard to acceptance of e-filing shall be
made, without delay immediately upon resumption of normal

physical functioning of the Court, and in any event within one month thereof.

3. The present writ petition has been filed *“for quashing the order dated 22.01.2019 passed in O.A./626/2015 whereby and whereunder the Central Administrative Tribunal (in short ‘CAT’), Patna Bench, Patna without considering the case of the petitioner minutely, dismissed the O.A. by saying, that the certificate of Matriculation examination submitted by the petitioner found to be issued by non-recognized education board, hence she does not fulfill required condition as per the notification for filling up vacancy for the post of B.P.M (Branch Post Master) in sub-branches of the post Offices in the District of Vaishali for the year 2012 and also for remaining post of the year 2013, 2014 and 2015 and the petitioner further prays for a direction to the respondent concerned to select and appoint the petitioner having high marks to others on the appropriate place on the post of BPM and the petitioner further prays to grant any other relief/reliefs as the Hon’ble Court may think fit and proper”*.

4. The short facts of the case according to the petitioner are that in the year 2012, various posts of BPM (Branch Post Master) in different Sub-Post Offices in the district of Vaishali were advertised by the Superintendent of Post Offices, Vaishali Division, Vaishali (Respondent No.3). The petitioner having

passed Matriculation Examination from the Board of Higher Secondary Education, Delhi applied to the aforesaid post. Thereafter, despite counseling, the respondents did not publish the merit list, leading the petitioner to file OA/626/2015 before CAT, Patna Bench, Patna. The respondents filed their written statement and pleaded that the candidature of the petitioner was not accepted as the petitioner passed Matriculation examination from the Board of Higher Secondary Education, Delhi, which has been declared as unrecognized Board vide letter no. COBSE/C-99/2015 dated 27.05.2015. Therefore, she did not fulfill the requisite condition of the notification for filling up the vacancy for the post of BPM.

5. Learned counsel for the petitioner submits that the petitioner had applied on the basis of passing the examination of the Board of Higher Secondary Education, Delhi, which was recognized by the Government of India, Ministry of Education, New Delhi. He has relied on a decision of a Hon'ble Single Judge of this Court rendered in CWJC No. 16278 of 2011, wherein the relevant termination orders were quashed in view of violation of principles of natural justice and the petitioners therein were directed to be reinstated.

6. Learned counsel for the respondents, on the other hand, without going into the detailed merits of the matter, invites

reference straightway to two judgments of the Division Bench of this Court rendered in CWJC No.18812 of 2017 (Pankaj Kumar Vs. The Union of India and Ors.) and CWJC No. 26 of 2018 (Vivek Kumar Vs. The Union of India and Ors.), in which it has been observed as follows -

"The core issue is that the so called certificate akin to matriculation obtained by this petitioner from the Board of Higher Secondary Education, New Delhi (a fake organization) can form the basis for begetting employment in the Postal Department. Since this is not an educational institution but a fraudulent organization selling fake certificates, therefore, if this fact is not disputed and the educational qualification of the present petitioner is not a matter of argument then any employment obtained by him on the basis of the said certificate cannot beget him the benefit of continuance in service. The Court will advise the petitioner to acquire knowledge instead of buying knowledge from such institutions.

No interference is warranted with the order of the Tribunal. Writ is dismissed."

7. These matters were carried to the Hon'ble Supreme Court in Special Leave to Appeal (C) No.4171 of 2019 and analogous cases, which were disposed of by order dated 27.09.2019 in the following terms -

"Notice was issued in the matter so that the concerned authorities could put on record the circumstances in which communication dated

26.4.2013 was issued and explain the status with regard to "Board of Higher Secondary Education". Affidavits have thereafter been filed on behalf of the concerned authorities which indicates that the concerned "Board of Higher Secondary Education" is not recognized at all; and that the documents appended to the SLPs were not the correct copies of the originals. Nor were those documents existing on the concerned files.

We had therefore, called upon Union of India to publish an advertisement in the newspapers and put in the public domain that the concerned Board was not recognized at all and to warn the entire student community. The advertisement to that effect has been issued and affidavits of compliance have also been filed.

In the circumstances, nothing further need be done in the matter. The special leave petitions are disposed of.

Pending applications, if any, shall also stand disposed of"

8. Having heard the parties and on a consideration of the materials on record, this Court finds the writ petition to be devoid of merit. The Division Bench has clearly observed that the Board of Higher Secondary Education, New Delhi is a fake and fraudulent organization selling fake certificates. This finding has not been interfered with by the Hon'ble Supreme Court. The decision of learned Single Judge, relied upon by the petitioner, is, therefore, of no avail.

9. In above view of the matter, the writ petition stands dismissed.

10. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 2 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

(Anjani Kumar Sharan, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	21.08.2021
Transmission Date	N.A.