

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8113 of 2020

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Ranjit Kumar Son of Ramnath Singh Resident of Village- Parsa, P.S.-
Naubatpur, District- Patna- 801109.

... .. Petitioner/s

Versus

1. The Indian Oil Corporation Through Chief General Manager (HR), Eastern Region Office, 2 Gariahat Road, Kolkata.
2. The Chief General Manager (HR), Eastern Region Office, 2 Gariahat Road, Kolkata.
3. The Executive Director Regional Services, Eastern Region Office, 2 Gariahat Road, Kolkata.
4. The Deputy General Manager, I/C Engineering Bihar State Office and Inquiry Officer, Indian Oil Corporation Ltd. Dakbunglow Chowk, Lok Nayak Jaiprakash Bhawan, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Advocate Mr. Vikas Kumar, Advocate
For the I.O.C.	:	Mr. K.D. Chatterji, Sr. Advocate Mr. Ankit Katrion (For I.O.C.)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 07-12-2021

Heard the learned counsels for the parties.

2. In the instant petition, petitioner has prayed for following reliefs:-

“i. For quashing of final order dated 27.05.2019 passed by Chief General Manager [HR] and Competent Disciplinary Authority whereby and where under petitioner has been dismissed from service of Jr. Chargeman-Grade-III at Muzaffarpur in Indian Oil Corporation.

ii. For quashing of order dated 20.11.2019 passed by ED (Regional Services), ER and Appellate Authority whereby and where under appeal preferred by



petitioner against the dismissal order has been rejected.

iii. For direction to the respondent authorities to reinstate the petitioner on the post of Jr. Chargeman-Grade-III at Muzaffarpur in Indian Oil Corporation from the date of his dismissal and pay all consequential benefit.

iv. For any other relief/reliefs for which the petitioner is found entitled to.”

3. The petitioner is an ex-serviceman. He was a candidate for recruitment to the post of Junior Charge man with the respondent-Indian Oil Corporation. He was selected and appointed. Thereafter, the official respondent noticed that the petitioner has suppressed the acquisition of Associate Member of the Institute of Engineers in both Part A and B in Electronics and Telecommunication Engineering (For short “AMIE”) qualification and to that effect petitioner has suppressed in his declaration form (page 35 of the petition) and it was submitted at the time of joining the post of Junior Charge-man in the declaration form, which is just below the note it is mentioned as under:

“NO OTHER QUALIFICATION WAS ACQUIRED BY ME AT THE TIME OF JOINING OTHER THAN MENTIONED ABOVE”.



4. On this count, the petitioner had misled the respondent-Organization in not disclosing the acquisition of AMIE qualification. Thus, petitioner was charge-sheeted in a disciplinary proceeding on 13.04.2018 and it was concluded in imposition of penalty of dismissal from service.

5. Feeling aggrieved by the order of dismissal, he preferred appeal and it was rejected. Hence the present petition.

6. Learned counsel for the petitioner vehemently addressed the argument that the aforesaid note in the declaration form submitted by the petitioner is required to be seen with reference to the qualification prescribed for the post of Junior Charge-man. AMIE is not one of the qualification prescribed for the post. Therefore, question of disclosing of AMIE qualification was not warranted. That apart, in the enquiry proceedings, there are certain lacunas. Therefore, the impugned order of dismissal and appellate authority's order are liable to be set aside.

7. Per contra, learned counsel for the State has specifically pointed out the declaration form filled by the petitioner and it is contrary to factual aspect of the matter. Undisputed facts are that the petitioner has acquired AMIE qualification. On the other hand, in his declaration form, he has



not disclosed despite the fact that there is a note declaring that petitioner has acquired other qualification as on the date of joining the post.

8. Heard the learned counsels for the respective parties.

9. Crux of the matter in the present petition is whether petitioner has suppressed the acquisition of AMIE qualification as on the date of joining to the post of Junior Charge-man or not?

10. Petitioner has acquired AMIE qualification in the year 1998-1999. Perusal of declaration form at page 35, it is evident that petitioner has suppressed the acquisition of AMIE qualification and to that effect, the declaration has been furnished that no other qualification was acquired by him at the time of joining other than the mentioned above. The aforesaid information suffice that the petitioner has suppressed the material information at the time of joining the post of Junior Charge-man.

11. Learned counsel for the petitioner submitted that there are certain lacunas in the enquiry. Even if there are certain lacunas in the enquiry that does not cure the declaration form



furnished by none other than the petitioner.

12. In the light of these facts and circumstances, the petitioner has not made out a case. Accordingly, the instant petition stands dismissed.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	16.12.2021
Transmission Date	

