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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISIDITION**

WRIT PETITION NO. 2128 OF 2019

Shinde Sagar Bhaskar Rao

.. Petitioner

Versus

Union of India & Anr.

.. Respondents

Mr. A. S. Rao, Adv. for the petitioner.

Mr. T. J. Pandian, Adv. for the respondents.

**CORAM : DIPANKAR DATTA, CJ &
G. S. KULKARNI, J.**

DATE : JULY 3, 2021

PC :

1. The Central Administrative Tribunal, Mumbai Bench, Mumbai (hereafter "the Tribunal", for short) dismissed Original Application No. 268 of 2016 on its file by a judgment and order dated December 21, 2017. By presenting this writ petition, the original applicant before the Tribunal has questioned such judgment and order.

2. Pursuant to an advertisement bearing No. 1/07 issued by the General Manager, Central Railway, the petitioner herein had offered his candidature for recruitment on a Group "D" post.

The advertisement provided that in order to be eligible for consideration, an aspirant for a post must have passed 8th standard from a recognized educational institution. It also provided that candidates having higher educational qualifications could also apply. The claim of the petitioner was that he had passed the examination for the Secondary School Certificate conducted by the Maharashtra State Board of Secondary and Higher Secondary Education, Pune (hereafter “the Board”, for short) in 1999 and, thus, was eligible.

3. In terms of the advertisement, the petitioner was required to fill up two prescribed formats, ~ one was in the nature of a biodata sheet and the other an application for offering one’s candidature. In the former [at page 85 of the writ petition], insofar as educational qualification is concerned, the petitioner filled up the requisite column as follows: -

16.	Highest Completed Educational Qualification	School/Board/University	Year
	S.S.C.	NASIK	MAR - 1999

However, in the other document [at page 86 of the writ petition], paragraph 5 required the petitioner to enclose with his application duly attested copies of documents pertaining to his educational qualification with date of birth, caste certificate, any other certificate like ex-serviceman or employers certificates etc., if applicable, and IPO/Bank Draft. Although the petitioner appears to have inserted in his own handwriting that he was enclosing the 'Date of Birth Certificate', 'Caste Certificate' and 'IPO', the marksheet issued by the Board certifying that the petitioner had succeeded in the Secondary School Certificate examination of 1999 was not enclosed.

4. The recruiting authority disqualified the petitioner on the ground that he did not fulfill the requisite educational qualification for appointment. Such order of disqualification was the subject matter of challenge before the Tribunal, which came to be dismissed as noted at the beginning of this order.

5. Appearing in support of the writ petition, Mr. Rao, learned advocate placed before us the marksheet issued in favour of the petitioner by the Board, in original, to the effect that he had participated in an examination for the Secondary School

Certificate in March 1999 and that he had succeeded in such examination. According to Mr. Rao, the respondents had acted illegally in disqualifying the petitioner on the ground that he had not passed the 8th standard.

6. It has transpired in the course of hearing that the petitioner had submitted along with his application a School Leaving Certificate issued by V. J. High School (Tantrik), Nandgaon (hereafter "the said school", for short) and it was on the basis of the contents thereof that a claim was laid on behalf of the petitioner before the respondents, first at the time of recruitment and then when the original application was filed, that the petitioner had studied up to 10th standard in such school. Mr. Rao contended that even if the petitioner had omitted to enclose with his application the marksheet issued by the Board, the respondents ought to have considered the School Leaving Certificate as proof of the petitioner having cleared the 8th standard.

7. The School Leaving Certificate is in Marathi and having read and understood its contents, what appears to us therefrom is that the petitioner had taken admission in the 5th standard

but was sent up for 10th standard School Certificate examination in March 1999. The Tribunal returned a finding that such certificate issued by the school could not be regarded as conclusive evidence that the petitioner has cleared the 8th standard.

8. Having heard Mr. Rao and Mr. Pandian, learned advocate for the respondents, we are of the considered opinion that no case for interference has been set up by the petitioner. The statement of marks issued in favour of the petitioner by the Board evincing that he had cleared the Secondary School Certificate examination of 1999 not having been placed before the respondents for consideration, there can be no doubt that the petitioner withheld the best evidence from the respondents; and the application filed by him has to be held incomplete, since it did not conform to the requirements of the advertisement inviting applications. Insofar as the School Leaving Certificate is concerned, it cannot be contended with any degree of certainty and conviction that the petitioner continuously studied from the 5th standard till the 10th standard in the said school and succeeded in clearing the Secondary School

Certificate examination as a continuing student of the said school. At least, this has not been shown to us by Mr. Rao. In such view of the matter, the Tribunal was justified in its refusal to interfere in the original application and to dismiss the same.

9. We uphold the order passed by the Tribunal and dismiss the writ petition, without any order as to costs. Interim order, if any, stands vacated.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)