

(1999) 07 AHC CK 0027
In the Allahabad High Court
Case No : C.M.W.P. No. 27556 of 1993

Achutyanand Dubey

APPELLANT

Vs

District Basic Education Officer and another

RESPONDENT

Date of Decision : 28-07-1999

Acts Referred:

Citation : (1999) 4 AWC 2997 : (1999) 3 UPLBEC 1899

Hon'ble Judges : V.M. Sahai, J

Bench : Single Bench

Advocate : Ram Yash Pandey, for the Appellant; S.N. Srivastava, S.C., for the Respondent

Judgement

V.M. Sahai, J.—Heard counsel for the petitioner Shri R. Y. Pandey and Shri S. N. Srivastava learned standing counsel for the respondents.

2. The father of the petitioner died on 10.4.74. The petitioner claimed appointment under the Dying in Harness Rules. The petitioner was appointed as peon. Subsequently, concealing this fact he -obtained appointment in another Institution as teacher in untrained grade. The appointment of the petitioner has been cancelled by the respondents on 16.2.87 on the ground that the petitioner has concealed the fact that he had been appointed as peon cashier under the dying-in-harness rules.

3. The counsel for the petitioner urged that recommendation was made in his favour by the authorities that a sympathetic view should be taken in favour of the petitioner. On the other hand, the learned standing counsel had supported the order of respondents. Since the petitioner concealed the fact of his earlier appointment and obtained appointment as untrained teacher again under the dying-in-harness rules. I am of the view that the petitioner does not deserve any sympathy. The petitioner is out of service. If a person conceals facts of his earlier appointment and obtains another appointment, it is a case of fraud. Wherever there is fraud, it vitiates everything. Since the petitioner obtained the second

appointment by fraud, he is not entitled for any discretion of this Court, I do not find any illegality in the impugned order passed by respondents, cancelling petitioner's appointment.

4. The writ petition fails and is accordingly dismissed.