
(2000) 07 RAJ CK 0009

In the Rajasthan High Court

Case No : Civil Writ Petition No. 2414 of 2000

Amar Singh Ranawat

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 28-07-2000

Acts Referred:

Citation : (2000) 3 WLN 629

Hon'ble Judges : B.S. Chauhan, J

Bench : Single Bench

Judgement

B.S. Chauhan, J.—The instant writ petition has been filed challenging the order of the Government dated 8.6.2000 and the consequential order passed by the Vikas Adhikari calling upon the petitioner to verify/prove the genuinenes of B.Ed, degree within fifteen days, failing which his services shall stand terminated.

2. According to the petitioner, vacancies were advertised for the post of Teacher Grade III and in response thereto, he applied for and he was selected and given appointment vide order dated 22.5.1999. Petitioner has further alleged that vide Office Order dated 6.7.2000, he was asked and called upon to produce proof of genuineness of the degree within a period of fifteen days and if, the same" is not done, necessary action shall be taken against him. The above referred order has been issued in pursuance to the order dated 8.6.2000. The Government has issued order directing all those candidates/employees who has passed B.Ed, examination from out-side the State of Rajasthan to produce the proof of genuineness of their degree within fifteen days, failing which their services shall stand terminated. The State has filed counter-affidavit and placed on record copy of the notice given to the petitioner on 24.7.2000 calling upon him to produce documents mentioned therein. The above referred notice was replied by petitioner vide his reply dated 25.7.2000 that he was not in a position to produce all the documents but he would be able to produce the same at a later stage.

3. It is a matter of common knowledge that number of cases are being reported that persons who possess forged degree, are getting appointment. A Division

Bench of this Court in Mahendra Singh and Ors. v. State of Rajasthan and Ors. 1994 (1) R.L.R. 721, has held that no person should be given appointment unless and until his degree is verified and if any officer appoints any person without verifying the genuineness of the degree, action should be taken against him. In the present case, petitioner has been given appointment on the basis of the Marks-sheet produced by him and in some of the cases, verification has also been done but the same is being disputed by the State Government.

4. Mr. M.R. Singhvi, learned Counsel for the respondents has contended that as a matter of fact, no candidate should be given appointment unless and until the degree produced by him was verified. This contention is unsustainable as in the present case, appointment had already been given by the State Government, therefore, now the State Government cannot take this step. However, looking to the nature of the cases and the number of degrees, in the interest of justice, it may be just and proper to direct respondents to review the appointment orders by way of verifying the genuineness of the degrees and in this regard the respondents shall be at liberty to give notice to the appointees to produce original degree and proof in support of its genuineness and if respondents are not satisfied with the proof produced by the petitioner, it will be open for them to investigate the matter further.

5. It has also been contended on behalf of the petitioner that the matter is also seized with the Central Bureau of Investigation. Mr. Singhvi has contended that the C.B.I. may be directed to provide assistance to the State Government so as to verify the genuineness of the Degree produced by the appointee. Mr. N.M. Lodha, learned Standing Counsel for the Central Government, is directed to accept notice in this case. The Central Bureau of Investigation is also requested to provide all possible assistance to the respondents in the matter of verification of genuineness of the degrees and it will be open for the State Government to take appropriate action in case the degree is found to be forged and in such event, the State Government shall not only terminate the services of the appointee but also lodge a criminal prosecution against him. The State Government should take action against the erring officers who have made the appointments despite clear directions/orders of the Division Bench of this Court, as referred to above.

6. In view of the above, the petition stands disposed finally with the following direction-

(i) Respondents are restrained to terminate the service of the petitioner in pursuance of the impugned order dated 8.6.2000, or any consequential order passed by the Zila Parishad or Panchayat Samiti.

(ii) Respondents shall mandatorily undertake all measures to verify the genuineness of the Certificate/Degrees of the appointee and shall call upon him to produce the original copies of the same and the proof in support thereof.

(iii) In case the State Government is not satisfied with the proof furnished by the

appointee, it will be open to it to verify the genuineness itself and for that purpose, shall request the Central Bureau of Investigation, if it is in possession of the material required for verification.

(iv) The Central Bureau of Investigation, through its Competent Authority, is requested to render appropriate assistance to determine the genuineness of the documents involved herein whenever request is made by the State Government.

(v) In case the documents are found to be forged/fabricated, respondents shall terminate the services of the petitioner and launch criminal prosecution against him.

(vi) The State Government shall initiate disciplinary proceedings against those officers who had given appointment to the appointees without verifying the documents.

7. There shall be no order as to costs.