
(2004) 09 AHC CK 0142

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 34908 of 2001

Anil Kumar Prajapati

APPELLANT

Vs

Additional Managing Director, U.P. State Road Transport
Corporation and Others

RESPONDENT

Date of Decision : 01-09-2004

Acts Referred:

Citation : (2005) 1 AWC 101 : (2005) 104 FLR 146 : (2005) 1 UPLBEC 45

Hon'ble Judges : R.B. Misra, J

Bench : Single Bench

Advocate : R.G. Padia, Prakash Padia and S.P. Pandey, for the Appellant;
Avinash Mishra and Samir Sharma, for the Respondent

Final Decision : Dismissed

Judgement

R.B. Misra, J.—Heard Sri Prakash Padia, learned Counsel for the petitioner and Sri Shamir Sharma on behalf of the respondents.

2. In this petition, prayer has been made to quash the order dated 6.7.2001 passed by the Chief Manager (Karmik), U.P. State Road Transport Corporation, Head Quarter, Lucknow, whereby in compliance to the order dated 9.4.2001 passed in earlier Writ Petition No. 13105 of 2000, the representation of the petitioner was considered and rejected.

3. Undisputed facts are that 500 posts of Conductors in U.P. State Road Transport Corporation (in short called as "Corporation" hereinafter) were to be filled up for which an advertisement dated 18/19.1.1995 was published inviting applications from eligible candidates. The candidates were to produce their testimonials, original certificates and papers in respect of their other qualifications for the said selection of Conductors which was to be finalized on the basis of interview only. It appears that about 1100 candidates including 5300 apprentices (i.e. candidates who were in possession of apprentice certificates) and about 5500 candidates from open market applied. The interview was conducted on

10.6.1996. The petitioner had mentioned only as M.A. in his application form and not the LL.B. degree dated 1,3.1993 which he obtained in reference to the examination of year 1992. The original or photostat of degree was not produced by the petitioner at the time of interview. It appears the photostat of the same was produced before the concerned authority on 20.6.1996 with the request to acknowledge his LL.B. degree and to award preferential marks for his additional degree,

4. According to the petitioner he could not produce the original certificate on the date of interview and since photostat copy of LL.B. degree was not being accepted, therefore, on the assurance of the Regional Manager, he had shown his original degree next date i.e. 11.6.1996 to the Regional Manager. Since one Sri Suresh Kimar Pachauri, who was also given benefit of his LL.B. degree on his production subsequent to the outcome of the interview, therefore, in the similar manner, the petitioner is also entitled to be given the benefit of LL.B. degree awarding preferential marks.

5. Accordingly, the petitioner in view of the decision of the Division Bench rendered in the case of Anuradha v. Director, U.P. Rajya Shikshak Anusandhan Evam Prakashan Samthan, Lucknow and others, wherein the benefit of N.C.C. certificate, not given earlier, was subsequently given on production of the same and in view of the decision of the Supreme Court reported in 1991 (62) FLR 328, Sri Shreerampaa v. The Kamataka Public Service Commission and others, the writ petitioner expected to submit his mark-sheet at the time of interview, however, could not do so, though he was qualified for selection on the basis of total marks, including the marks which he obtained for his additional qualification, therefore, on production of mark-sheet at subsequent stage, the writ petitioner was directed to be accommodated against the future vacancies.

6. The authenticity of obtaining LL.B. degree dated 11.3.1993 in reference to the examination of 1992 and obtaining of M.A. degree simultaneously at one time from the two different Universities is not permissible. According to the respondents, the petitioner had produced the photostat copy of LL.B. degree on 20.6.1996 and not of photostat copy of LL.B. degree, not entitled him to consider his case relegating back the situation of the date of interview i.e. on 10,6.1996.

7. According to the respondents, large number of candidates were to be interviewed on the basis of their testimonials, certificates and degrees produced by them and the marks were awarded by selection committee. The possession of LL.B. degree of petitioner in absence of non-production of the same and same could not be subject matter of interview.

8. According to the respondents, the case of the petitioner is different and distinguishable to the case of Sri Suresh Kumar Pachauri (supra) and the later one infact had already submitted his original certificates along with his original application, however, the same was over looked for being considered by selection committee, which subsequently was rightly acknowledged.

9. The facts and circumstances of the case of Anuradha (supra) is different and distinguishable. According to the respondents, the above verdict of Anuradha's case was not having an universal application and shall not protect the case of the petitioner.

10. The petitioner at the time of interview, Undisputedly did not disclose that he was in possession of LL.B. Degree. Neither he submitted his original certificates nor photostat at the time of interview and a photostat copy of LL.B. degree was submitted on 20.6.1996 i.e. about 10 days later to the interview. The selection committee in case of finalisaion of the selection on the basis of interview could only see the materials which were before the selection committee at the time of interview and not later on. If the selection committee allows the benefit of certificate and documents submitted at subsequent sate, the spirit of the selection being conducted on the basis of interview shall be frustrated. Since the petitioner did not produce his original degree at the time of interview, therefore, the respondents rightly did not consider for awarding benefit to the candidature of the petitioner.

11. I do not find any illegality and infirmity in the order dated 16.7.2001 passed by the Chief Manager (Karmik) of the Corporation, therefore, the petitioner is not entitled to any relief as prayed for.

12. The writ petition is accordingly dismissed.