
(2015) 08 AHC CK 0185
In the Allahabad High Court
Case No : Writ A. No. 34489 of 2015

Arvind Kumar Singh

APPELLANT

Vs

Union Bank of India and Others

RESPONDENT

Date of Decision : 11-08-2015

Acts Referred:

Citation : (2015) 147 FLR 178

Hon'ble Judges : B. Amit Sthalekar, J.

Bench : Single Bench

Advocate : Umesh Vats, for the Appellant; Vivek Ratan Agrawal, S.C., for the Respondent

Final Decision : Dismissed

Judgement

B. Amit Sthalekar, J.—Heard Sri Umesh Vats, learned Counsel for the petitioner and Sri Vivek Ratan Agrawal, learned Counsel for the respondents.

The petitioner in this writ petition is seeking quashing of the Advertisement dated 27.6.2013 as well as the show cause notice dated 23.5.2015 and the charge sheet dated 27.4.2015 issued by the respondent-Bank.

Briefly stated the facts of the case are that the petitioner applied for the post of house-keeper-cum-peon in pursuance of the Advertisement dated 27.6.2013 and after selection the petitioner was appointed as house-keeper-cum-peon. In Paragraph 11 of the Advertisement the eligibility conditions were mentioned to the effect that the minimum qualification for clerk recruitment is Graduation and for sub-staff the minimum qualification is 10th Standard passed. The petitioner appeared in the selection and was selected and at the time of his appointment he also submitted an affidavit to the effect that he is 10th Standard passed. Later on it was found that the petitioner had actually passed the Intermediate and this fact was concealed by him while appearing in the selection. He had submitted a false affidavit stating that he is only 10th Standard passed. On this a show cause notice was issued to him and a charge sheet has already been issued to him.

2. An Identical matter came up before this Court before a Learned Single Judge where the facts were somewhat identical and that Writ Petition No. 8829 of 2015 was dismissed by judgment dated 22.5.2015. The aggrieved petitioner of that writ petition filed Special Appeal No. 491 of 2015 which was also dismissed by the Division Bench of this Court by judgment dated 29.7.2015. The Division Bench of this Court has recorded a finding that the appellant had responded to the Advertisement and participated in the process of selection. The condition imposed in the Advertisement was not challenged by him at any stage and he had also filed a affidavit and a declaration which was admittedly false and contrary to the facts which were in the knowledge of the appellant.

3. Sri Umesh Vats, learned Counsel for the petitioner submitted that in Writ Petition No. 8829 of 2015 the petitioner had not challenged the Advertisement of 27.6.2013 whereas in the present writ petition the petitioner is challenging the aforesaid condition of eligibility. However, challenge to the Advertisement has now been given only after a charge sheet has been issued to the petitioner but the fact remains that he appeared in the selection in pursuance of the said Advertisement without demur and also submitted an affidavit that he was only 10th Passed which admittedly was a false affidavit with the intent and purpose to mislead the Department and it is on the basis of that affidavit the petitioner was allowed to appear in the selection and it is only when the fraud was detected the charge sheet was issued to the petitioner. Therefore, in my opinion since the facts of the case are absolutely identical to that of Writ Petition No. 8829 of 2015 which was dismissed by the learned Single Judge of this Court and the Special Appeal filed against the same was also dismissed by the Division Bench of this Court, the present writ petition is also without merit and is accordingly dismissed.