

(2000) 12 AP CK 0041
In the Andhra Pradesh High Court
Case No : WA No. 1677 of 2000

B.V. Murthy

APPELLANT

Vs

Regional Manager, APSRTC, Rajahmundry, EG District and
others

RESPONDENT

Date of Decision : 22-12-2000

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2001) 1 ALD 529 : (2001) 1 ALT 455

Hon'ble Judges : S.B. Sinha, C.J;B. Subhashan Reddy, J

Bench : Division Bench

Advocate : Mrs. R. Annapurna, for the Appellant; Mr. Y. Vivekananda Swamy, SC, for the Respondent

Judgement

S.B. Sinha, CJ.

1. This Appeal is appeal is directed against a judgment dated 4-12-2000 2001(1) FR--F-34 passed by a learned single Judge of this Court in Writ Petition No.23652 of 2000 in terms whereof the writ petition filed by the appellant herein was dismissed.

2. The fact that the appellant was an employee of the respondent-Corporation is not in dispute. On the ground of submission of a non-genuine and bogus Matriculation certificate at the time of his appointment, his services had been terminated. As against the said order, the appellant filed the writ petition. The learned single Judge dismissed the said writ petition on the ground that the remedy of the appellant-petitioner, if any, is to take recourse to the provisions of the Industrial Disputes Act.

3. The learned Counsel appearing on behalf of the appellant has raised a short question in support of this appeal. The learned Counsel submits that even if the appellant did not have a requisite qualification at the relevant time, the same should not have been taken into consideration for the purpose of imposing

punishment upon him after a period of twenty years. In support of the said contention, reliance has been placed on a decision of the Supreme Court reported in M.S. Mudhol v. S.D. Halegkar, 1993 (4) SLR 364.

4. The charges against the appellant are serious in nature. Thus, if the appellant intends to raise a question as regards the correctness or otherwise of the order passed by the disciplinary authority, he can take recourse only to the provisions of the Industrial Disputes Act. The writ Court, as is well known, cannot be converted into an Industrial Tribunal. The decision of the Apex Court in M.S. Mudhol (supra) was rendered in a completely different fact-situation. Therein a petition was filed for issuance of a writ of quo-warran to against a principal of a private aided school. The said application was not entertained having regard to the fact that his experience and other relevant factors had been taken into consideration by the Selection Committee at the time of his appointment. Such is not the position here. In this case, the appellant has been charged with grave misconduct of producing Matriculation certificate, which is said to be not a genuine one.

5. For the reasons aforementioned, we do not find any merit in this appeal, which is accordingly dismissed.