

(2007) 08 PAT CK 0014
In the Patna High Court
Case No : CWJC No. 5526 of 2006

Dr. (Mrs.) Geeta Singh

APPELLANT

Vs

The Patna University and Others

RESPONDENT

Date of Decision : 02-08-2007

Acts Referred:

Citation : (2007) 4 PLJR 492

Hon'ble Judges : S.K. Katriar, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

S.K. Katriar, J.—Heard Mr. Shashi Anugrah Narain for the petitioner, and Mr. Ajay Kumar Sinha for the respondents. This writ petition is directed against the order dated 23.1.1986 (Annexure-1), passed by respondent no. 2 (The Vice-Chancellor, Patna University, Patna), whereby he has determined the petitioner's date of birth to be 22.2.1945. The petitioner seeks the consequential relief of declaration that she was born on 22.2.1948, the relief of superannuation accordingly on completion of 62 years of age, and the money benefits. The respondents have placed on record their counter affidavit and have supported the impugned action. According to the writ petition, the petitioner was appointed as a Lecturer in Psychology in the respondent University on 28.11.1973. She acquired the degree of Ph.D., and was ultimately promoted to the post of Professor. The University issued notification bearing memo No. G-1163, dated 15.9.2003 (Annexure-10), notifying that the petitioner shall superannuate with effect from 28.2.2005, treating 22.2.1945 to be her date of birth, apart from various other members of teaching faculty not relevant in the present context. Aggrieved by the same, she submitted her representation dated 7.7.2004 (Annexure-12), to respondent no. 2, submitting therein that her date of birth is 22.2.1948, and for rectification in the University records on the strength of the following documents submitted by her:

(i) Matriculation Certificate;

- (ii) School Leaving Certificate;
- (iii) Horoscope, if applicable; and
- (iv) Affidavit.

The University was perhaps unmoved, leading to C.W.J.C. No. 8617 of 2005 (Dr. (Mrs.) Geeta Sinha vs. The Patna University and Others), which was disposed of on 28.9.2005 (Annexure-19), whereby respondent no. 2 was directed to examine the petitioner's grievance with the assistance of the Registrar of the University within a period of three months of the date of the order. This led to an enquiry leading to the impugned order, wherein it has, inter alia, been held that the petitioner was born on 22.2.1945, and the School Leaving Certificate submitted by her is a forged and fabricated document.

2. While assailing the validity of the impugned order, learned counsel for the petitioner submits that he rests his case solely and entirely on the School Leaving Certificate, on a perusal of which it is clear that she was born on 22.2.1948. Relying on the judgment of the Supreme Court reported in The Commissioner of Police, Bombay and another Vs. Bhagwan V. Lahane, , it is submitted that the School Leaving Certificate should be accepted as stating the correct version as to the date of birth.

3. Learned counsel for the University has supported the impugned order and submits that respondent no. 2, as directed by this Court, has examined the matter in depth, has thrown his net wide and tried to bring on record as many documents as possible to reach the correct conclusion. The petitioner has engaged herself in the nefarious task of committing forgery in the School Leaving Certificate to gain the benefit of three years. He also submits that the petitioner has represented different dates of birth on different occasions.

4. I have perused the materials on record and considered the submissions of learned counsel for the parties. The matter was heard at length on 1.8.2007. and was adjourned for today to enable the learned counsel for the University to produce the original documents which has been done today, and made available to the learned counsel for the petitioner for his inspection and perusal.

5. After the aforesaid notification dated 15.9.2003 (Annexure-10) was issued, the petitioner submitted her representation dated 7.7.2004 (Annexure-12) alongwith which, in support of her case, she had submitted the documents enumerated therein and indicated hereinabove. A photo copy of the School Leaving Certificate is marked Annexure-4 to the writ petition. I have perused the original of the same which was submitted by her alongwith the representation. It is manifest to the naked eyes that in column no. 2, meant for father's name, originally Ram Nandan Prasad Singh was written in blue ink, and "Bujhawan" has been super-imposed on "Ramnandan" in black ink and in a crude manner. The original "Ramnandan" is still there, and portion of the same is lurking below the super-imposition. Similarly, in column no. 4 (meant of the date of birth), the

portion underneath the present handwriting of date has been brazenly erased, and "22nd" has been crudely written thereon. The shade and colour of the erased portion is clearly different and whiter than the rest of the page which is sea-green. Similarly, in so far as the year is concerned, "194" being the original in blue ink is intact, and the original of last figure has manifestly been erased and super-imposed by "8" in black ink. It is obvious that the portion below "8" has been erased. The shade and colour of the erased portion is different & in identical manner. "...February 194..." in original hand-writing is intact and unmutilated. The hand-writing and style of writing the same is manifestly different from the super-impositions. Admittedly this document was submitted by the petitioner alongwith her representation. There is not the slightest manner of doubt that interpolation has taken place in three places in the School Leaving Certificate and the changed portions are (i) middle name of the father, (ii) the date, and (iii) the year.

6. The Registrar of the University had visited the school in question, his report and that of the Headmistress of the school has been noticed in the impugned order. A photo copy of the report of the Headmistress alongwith the enclosures is marked Annexure-20 to the petitioner's supplementary affidavit. The Headmistress has stated in her report dated 18.1.2004, that the relevant records of the successful candidates of the year 1961, were destroyed due to 1975 floods. However, the counterfoil of the School Leaving Certificate is available in the school, column no. 2 (father's name) of which states Ram Nandan Prased Singh, and the date of birth is recorded as 13th February, 1945. She has also enclosed photo copy of the counterfoil which reflects this position. Manifestly, therefore, the petitioner has caused interpolations in the School Leaving Certificate in the aforesaid manner to bring for herself wrongful gain of three years of age.

7. It is further relevant to state that the petitioner has represented different dates of her birth on different occasions and has been summarised in the impugned order. A photo copy of her application form for Ph.D. Registration in her own hand-writing submitted on 24.9.1977 to the University states 13th February, 1945, to be her date of birth in column no. 2. She has represented in her own hand-writing in time-bound promotion form submitted by her on 10.6.1996, that 22.2.1945 was her date of birth. The original records include both the applications. At the time of her appointment she stated her date of birth as 22.2.1945, which was duly recorded in the records of the University. The counterfoil states it to be 13th February, 1945, which after alteration is 22nd February, 1948.

8. The petitioner produced the following documents in support of her case during the course of enquiry:

(i) Her Identity Card issued by the Patna University, wherein she has been described as a Professor of Psychology and the date of birth is recorded as 22.2.1948 (Annexure-7);

(ii) Her Permanent Account Number with the Income Tax Department which does not disclose date of issuance of the same and records 22.2.1948, to be her date of birth (Annexure-8);

(iii) Annexure-9 is a paper connected with her L.I.C. policy, perhaps issued on 1.4.2005, records 22.2.1948 to be her date of birth.

The Vice-Chancellor has indicated in his order that all these documents marked annexures 7 to 9 are recent documents, possibly after the controversy commenced, no value can be attached to the same and need not detain us for a further consideration, a position duly acknowledged by learned counsel for the petitioner.

9. It is relevant to state that the petitioner represented before this Court that she is daughter of Ram Bujhawan Sinha, so stated in her writ petition and is also mentioned in Annexures 7 and 8. This has to be seen in comparison with photo copy of the counter-foil supplied by the headmistress (Annexure-20) which states Ram Nandan Prasad Singh as the father's name and, as stated hereinabove, has been converted to Ram Bujhawan Prasad Singh. All these are acts of mindless, disjointed and blatant forgery. These are essentially issues of facts which have been examined in depth by the Vice-Chancellor under the orders of this Court and has concluded that the petitioner has engaged herself in forgery and fraud, to cause wrongful gain to herself. I have myself examined the materials on record, as well as the original records produced by the University, to satisfy myself as to the correctness of the findings recorded by the Vice-Chancellor. The findings of facts recorded by the Vice-Chancellor cannot be faulted.

10. The records place the petitioner in dim light. I am aghast at the enormity of the fraud played by the petitioner, though in a very crude manner stretching over a long period, and equally feel sorry that a person of the attainments of the petitioner who is Ph.D. in Psychology and was a Professor in Patna University, could stoop so low to commit a fraud of this nature for a small gain.

11. I equally feel sorry that the University has not perused this matter to its logical conclusion. A very unhappy development has taken roots in this country that appropriate action is not taken within the same institution or the department to protect the peer group. It may in addition be to avoid the work involved in the task. It will, therefore, be open to the Vice-Chancellor to lodge a first information report against the petitioner. It will be equally open to him to take steps for deprivation and/or reduction of her post-retirement benefits in accordance with law. The writ petition is dismissed with costs quantified at Rs. 10,000/- (Ten thousand) which the University shall deduct from her post-retirement benefits.