

(2007) 08 PAT CK 0149
In the Patna High Court
Case No : CWJC No. 11657 of 2005

Krishna Nandan Prasad

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 02-08-2007

Acts Referred:

Citation : (2007) 4 PLJR 441

Hon'ble Judges : Narayan Roy, J; Kishore K. Mandal, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Heard Mr. Madan Mohan No.1 learned counsel for the petitioner, learned counsel for the Union of India, Mr. Tej Bahadur Singh, learned counsel for the Bihar Sanskrit Shiksha Board and Mr. S.K. Bariar, learned counsel for respondent No. 7. This writ application is directed against order dated 9th December, 2004 passed by Patna Bench of Central Administrative Tribunal (hereinafter to be referred to as "Tribunal") in O.A. No. 267 of 1998.

2. The writ petitioner filed the aforesaid O.A. application before the Tribunal challenging the order of appointment, so far respondent No. 7 was concerned, on the ground that she on the basis of fake certificate and mark-sheet obtained appointment on the post of Extra Departmental Branch Post Master of Bajitpur Karnail, EDB Post Office.

3. Mr. Madan Mohan, learned counsel for the petitioner, submitted that respondent No. 7 had secured lesser marks than the petitioner and on the basis of fake certificate and mark-sheet she got herself appointed. It is also submitted that there is sufficient proof to show that respondent No. 7 had secured lesser marks and had produced fake and forged certificates. Learned counsel in sum and substance submitted that the case of the petitioner was completely ignored on the basis of fake and forged certificate and mark-sheet produced by respondent No. 7.

4. From the order impugned, it appears that the question raised by this petitioner was enquired into departmentally and the Department on inquiry found the document produced by respondent No. 7 as valid and genuine and on that basis upheld the appointment of respondent No. 7 holding that on the basis of the documents produced before the Department the writ petitioner was found much lower in the merit list than private respondent No. 7.
5. A counter affidavit has been filed on behalf of the Bihar Sanskrit Shiksha Board stating therein that the documents issued by it in favour of respondent No. 7 were valid and genuine and in no manner, it can be said that the certificates produced by respondent No. 7 are fake and forged.
6. Learned counsel appearing on behalf of the Union of India and learned counsel for respondent No. 7 reiterated the same version and submitted that respondent No. 7 was appointed purely on merit and there was no manipulation or misrepresentation of facts before the authorities.
7. The findings arrived at by the Tribunal, in this view of the matter, in our opinion, cannot be said to be otherwise bad.
8. The dispute, however, which is being raised by the petitioner, cannot be decided in writ jurisdiction of this Court.
9. In this view of the matter, we find no merit in this application. It is, accordingly, dismissed.