
(2015) 05 AHC CK 0048
In the Allahabad High Court
Case No : Special Appeal No. 350 of 2015

Rookam Pal

APPELLANT

Vs

State of Uttar Pradesh and Others

RESPONDENT

Date of Decision : 28-05-2015

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2015) 6 ADJ 329 : (2015) 111 ALR 897 : (2015) 4 AWC 4022

Hon'ble Judges : Arun Tandon, J; Surya Prakash Kesarwani, J

Bench : Division Bench

Advocate : Radha Kant Ojha and Gaurav Sarkar, for the Appellant; M.K. Pandey and R.C. Singh, Advocates for the Respondent

Final Decision : Dismissed

Judgement

1. This special appeal filed by the petitioner-appellant is directed against the judgment and order of the learned Single Judge dated 22.4.2015. The learned Single Judge under the order impugned has dismissed with writ petition after recording that the petitioner claims to have obtained a certificate of Adhikari Pariksha conducted by Gurukul Vishwa Vidyalaya, Vrindavan, Mathura, equivalent to High School examination. On verification of the said certificate by the Vice-Chancellor of the said University, it had been reported that the certificate was forged. The Hon'ble Single Judge has held that the petitioner is not justified in contending that the Vice-Chancellor has no authority to verify the certificate. It has been found that there is no motive attributed to the Vice-Chancellor for supplying any incorrect information.

2. Shri R.K. Ojha, Senior Advocate assisted by Shri Gaurav Sarkar, Advocate submitted before us that a Full Bench of this Court in the case of Dhanpal and Others Vs. State of U.P. and Others, (2013) 8 ADJ 723 : (2014) 2 ALJ 585 : (2013) 4 UPLBEC 3229 , has held that the Adhikari Pariksha Certificate issued by the Gurukul Vishwa Vidyalaya, Vrindavan Mathura, prior to 2008 are to be treated as valid for all practical purposes and equivalent to High School

Examination. The certificate of the petitioner is of the year 2004. He thereafter appeared in the Intermediate examinations as well as in the Graduation Degree Course of Mahatma Jyotiba Phule Rohilkhand University, a University established under the U.P. State Universities Act, therefore, the order of the learned Single Judge in ignorance of the said facts is not justified. He also submitted that verification has been obtained behind the back of the petitioner-appellant.

3. At the very outset we may record that we find ourselves unable to completely agree with the reasons recorded in the Full Bench judgment of this Court in the case of Dhan Pal and others v. State of U.P. and others (Supra). If the decision of the present special appeal would have hinged on the correctness or otherwise of the said judgment only, we would have referred the matter to a Larger Bench. In our opinion the recognition which was granted by the Board of High School and Intermediate Examinations to the Adhikari Pariksha under Part II-B, Chapter XIV, Regulation 2(30) of the Regulations framed under the Intermediate Education Act, 1921 was with reference to the examinations conducted by the Gurukul Vishwa Vidyalaya, Vrindavan, Mathura. Once the said Gurukul Vishwa Vidyalaya had been declared to be a fake University, all the certificates issued by the said University would be rendered fake and mere deletion of the word "Vishwa Vidyalaya" from the name of the said institution will not have the effect of curing the patent illegality.

4. It has to be kept in mind that the recognition to the Adhikari Pariksha by the Board of High School and Intermediate was on the basis that the said certificate examination was conducted by the Gurukul Vishwa Vidyalaya which was a valid institution/University. The said University has been declared to be a fake by University Grants Commission. No statutory Board is expected to recognize Degrees/Certificates issued by fake Universities.

5. We leave the issue at this stage after recording our aforesaid reservations in respect of the judgment in the case of Dhan Pal and others v. State of U.P. and others (Supra) inasmuch as this special appeal is liable to be dismissed on the other ground namely that the certificate produced by the petitioner of Adhikari Pariksha is reported to be a forged document by the Vice-Chancellor of the said University which fact could not successfully be assailed by the petitioner-appellant before the learned Single Judge.

6. We may further notice that in paragraph 15 of the writ petition, it has been stated that the petitioner was invited for counseling for appointment on the post of Assistant Teacher in Primary School under notice dated 5.7.2014 but he was not permitted to appear in the counseling. Therefore, he filed Civil Misc. Writ Petition No. 36255 of 2014. Under interim order of the High Court he was permitted to participate in the counseling. After counseling, his educational certificates were sent for verification in light of the order of the Director dated 21.2.2014, which directed verification of the certificates of Adhikari Pariksha from the University concerned. Certificates of 17 candidates were forwarded to the Vice-Chancellor, Gurukul Vishwa Vidyalaya Vrindavan, Mathura who vide his

verification report dated 26.6.2014 has informed that the certificates of all the 17 candidates were forged. This list includes the name of the present petitioner-appellant at serial No. 14.

7. The Principal, DIET, Fareedpur, Bareilly has directed that in view of the aforesaid a First Information Report be lodged against all the 17 students. The report of the Vice-Chancellor has specially been enclosed alongwith the said letter.

8. We find that the petitioner has sought to challenge the said verification report with reference to the inter se dispute of the Arya Pratinidhi Sabha which claims to manage the institution Gurukul Vishwa Vidyalyaya and who is competent to act as the Vice-Chancellor of the said University. The High Court in exercise of jurisdiction under Article 226 of the Constitution of India is not required to enter into disputed issues of fact.

9. In our opinion the finding recorded by the learned Single Judge, in the facts of the case, appears to be justified in accepting the report of the Vice-Chancellor.

10. We see no illegality in the order of the learned Single Judge so as to warrant any interference in this intra-Court appeal. The appeal is, therefore, dismissed.