

(2011) 10 AHC CK 0147

In the Allahabad High Court

Case No : Criminal M.W.P. No's. 18498 and 18572 of 2011

Sachin Rana and another

APPELLANT

Vs

State of U. P. and others

RESPONDENT

Date of Decision : 11-10-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 420, 467, 468, 471

Citation : (2012) 1 ACR 757

Hon'ble Judges : Kalimullah Khan, J; Amar Saran, J

Bench : Division Bench

Advocate : Ram Raj Pandey and Rajeev Chaddha, for the Appellant;

Judgement

Amar Saran and Kalimullah Khan, JJ.—Heard Shri Ram Raj Pandey, learned counsel for the petitioner in Criminal Misc. Writ Petition No. 18498 of 2011 and Shri Rajeev Chaddha, learned counsel for the petitioner in Criminal Misc. Writ Petition No. 18572 of 2011 and learned Additional Government Advocate. A common order is being passed in both the above captioned writ petitions, which are being connected.

2. The allegations in both the writ petitions are in the nature of a scam.

3. In Writ Petition No. 18498 of 2011. preferred by Sachin Rana and others, the allegations In the F.I.R. dated 12.3.2011 lodged by Dr. Raj Kumar Dubey, the Principal of D.I.E.T., Baghpat at Case Crime No. 238 of 2011. under Sections 420. 468 and 471, I.P.C. P.S. Baraut. district Baghpat, were that the petitioners had colluded with the officials of Madhyamik Shiksha Mandal. Bhopal who had certified that the marks sheets of the petitioners and others were authentic, even though some of the candidates had only appeared in local colleges at Baraut in the High School/Intermediate examination, but they were shown to have passed the high school/higher secondary examination in the same year from Madhyamik Shiksha Mandal. Bhopal as regular candidates. When verification was made from the Principals of the colleges at Madhya Pradesh, the said list was found to be

forged and it was found that the marks sheets related to other roll numbers, and were not those of the petitioners or other accused. Subsequently, when the in-charge B.T.C., wrote another letter for re-confirmation of the marks sheets of 36 accused, which had been received in July, 2010, the said mark sheets were declared to be forged and legal action was also directed to be taken against the concerned officials and clerks who had earlier declared the mark sheets of the accused to be genuine.

4. In Writ Petition No. 18572 of 2011, filed by the petitioner Nirbhay Singh, the allegations in the F.I.R. lodged by Dr. Abha Mishra, Principal D.I.E.T., Ghaziabad at Case Crime No. 285 of 2011, under Sections 420, 467, 468 and 471, I.P.C, P.S. Hapurnagar, district Ghaziabad were that the petitioner had sent forged marks sheet for selection to the B.T.C. course, 2010 and it was found that both the address and the marks sheet were forged.

5. Learned counsel appearing in both the petitions submitted that in a large number of cases orders staying arrests have been passed. Specifically the petitions mentioned in Criminal Misc. Writ Petition No. 18498 of 2011 bear the following numbers : Criminal Misc. Writ Petition Nos. 12637 of 2011, 13184 of 2011, 14757 of 2011, 17485 of 2011, 6245 of 2011, 6361 of 2011, 7318 of 2011, 8505 of 2011 and 9610 of 2011.

6. In Criminal Misc. Writ Petition No. 18572, preferred by Nirbhay Singh, It is mentioned that separate first information reports had been lodged against the students, which were challenged by means of Criminal Misc. Writ Petition Nos. 6275 of 2011, 6058 of 2011, 8505 of 2011 and 14808 of 2011.

7. Let the aforesaid petitions be connected with the present two petitions.

8. We find that the modus operandi in both the matters is similar. Now, this tendency of securing admissions or jobs to different colleges or employments on the basis of forged mark sheets and certificates has assumed cancerous proportions. With impunity dishonest persons obtain forged mark sheets and certificates and we are being led to the irresistible conclusion that now procuring forged mark sheets and securing admission to B.T.C. courses on that basis for obtaining teaching or other jobs is being treated as a completely legitimate and normal activity. Looking to the magnitude of the problem this is an extremely shocking state of affairs. It appears that hardly any person even tries to secure jobs or admissions for various employments or courses preparatory for employment in a fair manner on the basis of their hard work or merit. It has become the order of the day that by adopting devious criminal practices, they cheat the State and other more eligible candidates by procuring forged certificates. It is high time that this Court comes down with a very heavy hand to curb such unethical, immoral and illegal practices. If persons, who have got admissions in B.T.C. courses for the purpose of securing Jobs in the educational sector have resorted to such malpractices, we can only expect that they will pay little attention to educating students, who they may get an opportunity to teach

in the future. They will regularly absent themselves from going to the schools and to their jobs and also deny meritorious persons their due right for employment. This would be disastrous for the future of the nation. We can already see the acute and chronic nature of the problem of teacher absenteeism and the non-performance in teaching students under their charge.

9. However, as orders have been passed staying the arrests of similarly placed accused in the petitions, which have been connected herein above, we are left with no option but to stay the arrests of the petitioners till the next date of listing.

10. List this case on 2.11.2011 alongwith all the connected petitions described hereinabove. Only till that date the arrest of the petitioners Sachin Rana and Sachin Khokhar (in Writ Petition No. 18498 of 2011) and Nirbhay Singh (in Writ Petition No. 18572 of 2011) shall remain stayed.

11. On that date, we would like the Investigating Officers in both the cases and in the connected cases to be present in the Court alongwith the case diaries. They shall also inform this Court about the other cases where such forged marks sheet have been utilized for securing admissions in B.T.C. courses or for getting jobs in the educational sector. The State may also furnish information of any other similar petitions, which may be connected with the present petitions. The Investigating Officers are to proceed with utmost urgency in the conduct of investigations in this case and to file counter-affidavits on or before the next date of listing informing this Court about the progress of investigation and to produce the case diaries to show the Court the nature of evidence collected in all the matters.

12. We also direct the D. G. P., U. P. to get the investigation in such matters relating to the writ petitions described hereinabove as well as other cases involving similar scams strictly monitored by P.I.G./S.S.P./S.P. of the districts concerned and to submit a compliance report on the next date of listing.

13. The concerned Educational Secretary is also directed to ensure prosecution of such offenders as well as Government officials who may collaborate in such scams and for taking other measures so that a stop may be put on this grave and widely prevalent malpractice of placing reliance on forged marks sheets and certificates for the purpose of securing admissions to B.T.C. courses and jobs in the education sector. Let him also submit a compliance report on the next date of listing. A copy of this order shall also be given to the A.G.A. and forwarded by the registry to the concerned Educational Secretary, and the D. G. P., U. P. within a week for compliance.