

(2012) 02 AHC CK 0027

In the Allahabad High Court

Case No : Criminal M. (P.I.L.) W.P. No. 18498 of 2011

Sachin Rana and Another

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 01-02-2012

Acts Referred:

Citation : (2012) 02 AHC CK 0027

Hon'ble Judges : Ramesh Sinha, J; Amar Saran, J

Bench : Division Bench

Advocate : Ram Raj Pandey, for the Appellant; Ved Vyas Misra, for the Respondent

Judgement

Amar Saran and Ramesh Sinha, JJ.—This order is being passed in continuation of our earlier order dated 18.1.2012. Sri Ved Byas Mishra, learned counsel for Sampurnanand Sanskrit University, Varanasi is present. He has filed an affidavit of compliance of the order dated 18.1.2012. It may be taken on record. We find" that Sampurnanand Sanskrit University is formally not impleaded. Therefore, we direct that it may be impleaded in this writ petition. We have also heard Sri Rishi Chaddha, learned A.G.A.

2. Three affidavits of compliance by the Secretary Higher Education. Secretary (Basic Education) and D.G.P. C.B.C.I.D. have already been filed in this case on 16.1.2012. No affidavit has however been filed by the Secretary (Secondary Education), U.P.

3. It is pointed out by the learned A.G.A. that the civil police was earlier investigating the case against 126 persons. In a large number of these cases, charge-sheets have been submitted. However. 77 of the said cases have been transferred to the C.B.C.I.D. pursuant to the order dated 15.11.2011. We have already made it clear in our order dated 15.11.2011 that if we are not satisfied by the investigation conducted by the C.B.C.I.D. we may be constrained to transfer these cases to the C.B.I. or some other agency.

4. Sri Chaddha points out that the Investigation in these case is being conducted in three sectors, viz., Allahabad. Agra and Meerut and that four I.Os are conducting the investigation in Allahabad, three in Agra and five in Meerut.

5. On the next listing we would like to have information whether the accused persons against whom charge-sheets have been submitted have been sent to jail and whether they have obtained bail or not.

6. Learned A.G.A. further points out that two clerks of Sampurnanand Sanskrit University, who had important roles in this offence have been arrested and their bails have already been rejected and that six other persons associated with the two clerks have been identified as being involved in this crime of using fake mark-sheets for securing admissions in B.T.C. courses which is a window for getting Jobs of Primary Teachers in Primary Schools and Junior High Schools. As in this case, forged mark-sheets of Sampurnanand Sanskrit University. Varanasi and Madhyamik Shiksha Mandal, Bhopal are said to have been used in a large number of cases, we had directed that the investigation be conducted by the C.B.C.I.D. and that there should be effective co-ordination between the Education Secretaries concerned in the two States viz. U.P. and M.P. and also by the police of the two States for which the Additional D.G.P. C.B.C.I.D. U.P. may write to his counter-part and other concerned police officers in Bhopal. It has only been mentioned in the affidavit on behalf of the Secretary. Basic Education that a communication has been sent but what mechanism for cooperation has been set up has not been mentioned. The said details may be furnished in the next affidavit to be filed in this case on the next listing.

7. We had also directed in our previous order dated 15.11.2011 that all the examining bodies including the Sampurnanand Sanskrit University, Varanasi and the Madhyamik Shiksha Mandal. Bhopal which issue certificates after conducting examination of High School. Intermediate. Graduation and Post-Graduation upload information about their examinees on their websites containing various details including digital photographs of the examinees. We also direct that so far as the employees in the colleges under the education department are concerned, their details should also be placed on the websites. We would like a progress report of this direction on the next listing.

8. The Director of N.I.C. or other body engaged in preparing the software may be entrusted with developing software for uploading the information and he may, also give his response on the next listing as to the feasibility of this direction and regarding financial constraints etc. and also point out to this Court whether there are any impediments in carrying out this direction of this Court.

9. In the detailed affidavit which has been filed by Sampurnanand Sanskrit University there are annexures containing details of responses of the University to enquiries made by the D.I.E.Ts. of Baghpat. Bulandshahr and Rai Bareilly which show that there are a substantial number of persons who have obtained forged certificates purportedly issued by Sampurnanand Sanskrit University.

Varanasi.

Looking to the magnitude of this problem as highlighted by these annexures, we are issuing a mandamus to all the D.I.E.Ts. in all the districts in U.P. to get it verified whether the certificates issued by Sampurnanand Sanskrit University, Varanasi and Madhyamik Shiksha Mandal, Bhopal which were produced for securing admissions of candidates were genuine or forged and if the same are found to be forged, to take action, including by lodging of F.I.Rs. against the said persons and also for removing them from service which they may have eventually obtained on the basis of these forged certificates. The Basic Shiksha Adhikari in all districts are also directed to get verified from the Sampurnanand Sanskrit University, Varanasi and Madhyamik Shiksha Mandal, Bhopal whether the certificates used for getting Shiksha Mitra appointments have actually been issued by these bodies or they are forged. In case of problems, in conducting this exercise with regard to all candidates who furnish certificates from the Sampurnanand Sanskrit University, Varanasi and Madhyamik Shiksha Mandal, Bhopal, the exercise may be carried out in a phased manner starting from the recent results and going backwards to earlier years, at least across a ten year period.

10. In the affidavit on behalf of Sampurnanand Sanskrit University, Varanasi (Annexure-7 at page 62 and 64), there are details regarding certain institutions in Azamgarh, Mau, Ballia, Mirzapur, Siddharth Nagar, Varanasi etc. which are issuing fake certificates in the name of the Sampurnanand Sanskrit University. The respondents are directed to get the same verified and in case the said institutions are issuing fake certificates of the Sampurnanand Sanskrit University, action may be taken against the institutions engaged by lodging of F.I.Rs. and other serious steps against the said institutions.

List this case on 21.3.2012.

On that date, further compliance report/other information shall be submitted by the Secretary (Primary Education), Secretary (Secondary Education), Secretary (Higher Education), U.P. Additional D.G.P., C.B.C.I.D., U.P. Director N.I.C. Lucknow, and other concerned parties including Sampurnanand Sanskrit University, Varanasi.

Copy of this order may be given to the concerned parties above mentioned within a week.