
(2006) 06 JH CK 0037
In the Jharkhand High Court
Case No : WPS No. 5988 of 2005

Serophina Besra

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 21-06-2006

Acts Referred:

Citation : (2006) 3 JCR 376

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

Advocate : S. Harsh and Niranjana Prasad, for the Appellant; Sheela Prasad, G.P.IV, for the Respondent

Final Decision : Dismissed

Judgement

M.Y. Eqbal, J.—In this writ application the petitioner has prayed for issuance of appropriate writ for quashing the termination order dated 18.8.2005 issued by District Superintendent of Education, Godda whereby the services of the petitioner have been terminated and she was directed to deposit the payments received by her.

2. Petitioner's case is that pursuant to the advertisement issued by the respondents for appointment on the post of Teacher in the Primary School, she submitted her application in the Office of Jharkhand Public Service Commission (in short JPSC) alongwith all the testimonials. The said testimonials also included the Provisional Certificate issued by Ursuline Primary Teachers' Training College, Lohardaga showing that she has passed teachers' training examination. Petitioner's case is that she was declared successful in the competitive examination held by the Jharkhand Public Service Commission and after due verification of all the original certificates including the certificate of training, appointment letter was issued to her. Petitioner submitted her joining and she was allowed to work with effect from 16.2.2004. It is stated that meanwhile petitioner passed Primary Teachers' Training Examination held by Jharkhand Academic Council, Ranchi in the year 2004 and she has been performing her

duties. However, all of a sudden, services of the petitioner were terminated by the District Education Superintendent of Education vide impugned order dated 18.8.2005 on the ground that during verification of the certificates it was found that petitioner had not passed Teachers' Training Examination. Petitioner, therefore, contended that order of termination was illegal and totally unjustified.

3. On 5.11.2006 a counter affidavit was filed by one of the respondents, namely, Area Education Officer, Godda wherein it was stated that order of termination was issued as because petitioner did not pass Teachers' Training Examination till the date of her joining in the service. It is stated that petitioner never submitted her Teachers' Training Certificate and the certificate produced by her was issued by Ursuline Primary Teachers Training College, Lohardaga which was not genuine.

4. On 28.2.2006, the matter was heard and it was brought to the notice of this Court that several irregular and illegal appointments were made by the concerned authorities of the respondents. It was further brought to the notice of the Court that many candidates who were not possessing Teachers' Training Certificate on the date of submission of application have been given appointment without verification of the record. This Court, therefore, on 28.2.2006 passed the following order:

Before going into the main question raised by the petitioner, I direct the respondents, namely, the State Government, to disclose the name of the Officers who were the members of the committee and on whose decision the appointment letters have been issued. In my view, why not they should be first departmentally proceeded and criminally prosecuted for doing such illegal acts.

Let the Director, Primary Education, Govt. of Jharkhand swear affidavit on behalf of the respondents by 9th March, 2006.

Put up this case on 10th May, 2006

Let a copy of this order be given to the State Counsel.

5. The Director, Primary Education, State of Jharkhand in his counter affidavit dated 9.3.2003 stated inter alia that District Superintendent of Education, Godda fixed a date for scrutiny of certificates submitted by the candidates. As per scrutiny register Sri Vimal Kumar Jha, Block Education Extension Officer, Godda examined the academic and training certificates of the petitioner. On the basis of the scrutiny of certificates the District Education Establishment Committee, Godda decided to appoint the petitioner alongwith other candidates and according to the said decision of the District Education Establishment Committee, the District Superintendent of Education, Godda issued appointment letter. In the counter affidavit, it is further stated that the petitioner gave a wrong information and submitted that the provisional certificate of 1998-2000 issued by the Ursuline Primary Teachers Training College and the marks-sheet dated 19.11.2003 showing the petitioner secured first division. The said marks sheet submitted by the petitioner was fake and fabricated. When the matter came to

the knowledge of the authorities then the District Establishment Committee took a decision to cancel the appointment of the petitioner. Lastly, it is stated that the mistake was rectified when the actual matter came in the light that the petitioner had produced fake marks-sheet.

6. The Secretary, Primary Education also filed counter affidavit giving details of the procedure of appointment of primary teachers.

7. After hearing the parties, this Court on 9.5.2006 passed the following order:

Several irregularities allegedly committed by the officers of the Education Department have come to light. In several writ petitions, allegations have been made of appointing candidates either whose names appear below in the panel list or who have obtained requisite qualification after they were selected for appointment or after appointment letters were issued. This case is one of such type.

Petitioner whose appointment has been cancelled/terminated vide termination order No. 1263 dated 18.8.05 moved this Court on the ground that he obtained requisite teachers training qualification and was eligible for appointment.

Admitted facts are that advertisement for appointment of teachers was issued in 2002. Thereafter, written test and interview were held and selection list was prepared. Petitioner, alongwith the application, submitted marks-sheet, allegedly issued by Ursuline Primary Teachers' Training College, Lohardaga. The members of the Scrutiny Committee/ Selection Committee without verifying the fact that petitioner was possessing B.Ed. degree issued appointment letter. Petitioner was appointed on 16.2.2004. Subsequently, it was found that petitioner submitted fake marks-sheet and his appointment was made without verifying the certificates. Accordingly his appointment was cancelled by the impugned order. This Court by order dated 28.2.2006 directed the State Government to disclose the names of the officers who were the members of the Committee and on whose direction the appointment letters had been issued. This Court was of the view that why not those officers should also be prosecuted departmentally for issuing appointment letters without verifying the documents.

It is stated by the learned Counsel appearing for the interveners who are none else but the members of the Committee that provisional appointment letters were issued after verification of the documents submitted by the candidates and payment was to be made after getting the document verified from the concerned institutions.

Learned Counsel for the intervenor submitted that members of the Committee were only required to examine documents of the candidates who were recommended by the J.P.S.C.

In my view, the job of the Commission is to advertise the post, conduct examination, interview the candidates and to prepare select list. Thereafter, the Commission sends the select list to the Education Department for verification of

all the documents and for issuance of appointment letters. The members of the Committee, who may be District Superintendent of Education, Block Extension Education Officer or any of the officers posted in the Education Department, are supposed to atleast see whether the candidates possess teachers training qualification or not. On the one hand the intervenor says that they have simply to see the documents and on the other hand, the Director, Primary Education, Jharkhand Ranchi in his affidavit has stated that the Block Education Extension Officer have examined the academic and training certificates of the petitioner based on scrutiny of certificates by the members. The District Education Establishment Committee decides to appoint the candidates by holding a meeting. In para 14 of the affidavit, it is stated by the Director that petitioner only produced fake marks-sheet and no certificate of teachers' training was submitted at the time of verification. From the aforesaid facts, it appears that without seeing certificates, members of the Committee recommended for issuance of appointment letter.

As stated above, several complaints are coming by way of writ petitions making allegations regarding illegal appointments. It is a fit case where matter should be referred to Central Bureau Investigation for investigation and enquiry and to find out as to how candidates not eligible for appointment have been given appointment and the Officers at whose instance such appointment letters have been issued. But before passing order to that effect, I direct the Education Secretary, Govt. of Jharkhand, Ranchi to file affidavit and to show cause as to why the matter may not be referred to Central Bureau Investigation.

In the meantime, petitioner shall effect personal service of notice upon the Ursuline Teachers' Training College who shall file affidavit and state as to on what basis marks-sheet was issued to the petitioner when as a matter of fact petitioner appeared in the teachers' training examination 2004 and the result was published in 2005.

Let this case be listed on 19.5.2006.

Let a copy of this order be handed over to learned G.P.IV.

8. In compliance of the aforesaid order, the Secretary, Human Resources Department, Govt. of Jharkhand filed a detailed affidavit wherein it is stated that provisional appointment letters are issued assuming that the certificates filed by the candidates are genuine but the first salary is released only after the certificates are declared to be genuine by the respective institutes. In case there is tremendous delay in receiving the verification reports then the salary is released after taking an affidavit in the format giving undertaking that if the certificates are not found genuine then appointment shall be cancelled and the candidate would return the entire amount received by him by way of salary. The Secretary further stated that J.P.S.C. recommended the names of nearly 9729 candidates. The certificates of those candidates were scrutinized by the respective District Establishment Committee and as many as 2429 candidates

were found not to possess genuine certificates. Clearly 25% of the recommended candidates were found to be ineligible for appointment at the stage of preliminary scrutiny. This became possible because of the meticulous and alert scrutiny done by the appointing authority. It is further stated that even from the second list of 1712 names recommended by the JPSC only 1285 candidates were considered fit for appointment. Lastly, it is stated that some candidates with fake certificates might have inadvertently got appointment letters. Such cases are very few and even these are likely to be detected during the process of verification of their certificates from the respective institutes.

9. Considering the fact that Secretary, Human Resources Department in his affidavit has elaborately apprised this Court with the actual facts and the reasons for issuance of provisional appointment letters. This Court for the present accepts the affidavits of the Secretary and drops the idea of sending the matter to the Central Bureau Investigation.

10. However, it is necessary to consider the affidavit filed by the Ursuline Teachers' Training College, Lohardaga. In the affidavit, the Principal of the College has admitted that certificate was issued certifying therein that petitioner had completed the Teachers' Training Course and is to write the Board Examination. The Principal also admitted that on the request of the petitioner the College issued marks-sheet showing marks obtained by her in the internal examination. Curiously enough, in the marks sheet (Annexure-4) issued by the Ursuline Teachers' Training College, it is not mentioned that the marks-sheet is issued in respect of internal examination conducted by the College. Similarly, the provisional certificate issued by the College regarding completion of teachers' training course is also vague and decisive. In my opinion, the Ursuline Teachers Training College, Lohardaga must be vigilant and careful in issuing such type of decisive certificates in order to misguide the people. It is expected that the College shall act accordingly in future.

11. So far the case of the petitioner is concerned, it appears that on the basis of vague marks-sheet and the certificates she was allowed to appear in the written test and her name was selected for appointment and consequently appointment letter was issued. In that view of the matter, the order of termination of services of the petitioner passed by the concerned respondent is perfectly legal and justified.

12. This writ application is, accordingly, dismissed.