
(2006) 05 JH CK 0125

In the Jharkhand High Court

Case No : Writ Petition (S) No. 5988 of 2005

Serophina Besra

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 09-05-2006

Acts Referred:

Citation : (2006) 3 JCR 306

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

Bench : Single Bench

Advocate : Ritu Kumar, S. Harsh and Niranjan Prasad, for the Appellant; Sheela Prasad, GP IV, for the Respondent

Judgement

M.Y. Eqbal, J.—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.

2. Petitioner whose appointment has been cancelled/terminated vide termination order No. 1263 dated 18.8.2005 moved this Court on the ground that he obtained requisite teachers training qualification and was eligible for appointment.

3. 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 along with the application, submitted marks-sheet, allegedly issued by Ursuline Primary Teacher's 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.

4. 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.

5. 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.

6. 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.

7. 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, Government of Jharkhand, Ranchi to file affidavit and to show cause as to why the matter may not be referred to Central Bureau Investigation.

8. In the meantime, petitioner shall effect personal service of notice upon the Ursuline Teacher's 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.

9. Let this case be listed on 19.5.2006.

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