

(2014) 11 JH CK 0075
In the Jharkhand High Court
Case No : W.P. (S) No. 2242 of 2010

Shiv Nandan Prasad

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 12-11-2014

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2015) 1 JLJR 527

Hon'ble Judges : Sujit Narayan Prasad, J

Bench : Single Bench

Advocate : Nawal Kishor Pandey, Advocates for the Appellant

Judgement

Sujit Narayan Prasad, J.—Petitioner being aggrieved with the order dated 14.7.2003 passed by the Appellate Authority, has approached this Court. The brief fact of the case as has been pointed out by the learned Senior Counsel for the petitioner is that, the petitioner has been appointed as Constable on 9.5.1990 and thereafter he has discharging his duty. On a complaint made by some other persons regarding the caste of the petitioner, enquiry has been conducted by issuing a memorandum of charge wherein the charge has been framed that the petitioner has submitted false and fabricated document of Garari Caste while he belongs to Yadav community, it has been argued on behalf of the petitioner that since the petitioner has been appointed in the year 9.5.1990, but dismissed from service after rendering 14 years of service, so lenient view may be taken by the department.

2. On the other hand learned counsel for the respondent has submitted that petitioner's appointment was not fit to be continued because of the conduct of the petitioner. Since petitioner has submitted a caste certificate which was not his original caste hence it has been submitted by him that petitioner has submitted forged document on the date of consideration of his appointment, hence he does not warrant any sympathy considering the conduct of the petitioner. It has further been submitted that the authorities after appreciating

evidences and the caste certificate of the petitioner has taken view of dismissing the petitioner from service for which a regular proceeding has been initiated. Petitioner has been provided full opportunity of hearing and as such the said order needs no interference.

3. Heard the parties.

4. That as per the memorandum of charge the allegation has been leveled against the petitioner that he has submitted false caste certificate of Garari Caste while the petitioner belongs to Yadav community by which petitioner has committed forgery, got appointment on the basis of fake caste certificate. The moment it came to the knowledge of the authorities concerned, a regular enquiry has been conducted providing an opportunity to defend himself, the order of dismissal has been passed since the authorities of the department has come to the concurrent findings of proved misconduct. This Court in exercise of jurisdiction under Article 226 of the Constitution of India, cannot reappraise the evidence and cannot disturb the facts and finding given by the disciplinary authority as has been held by the Apex Court in the case of State of U.P. and Others Vs. Raj Kishore Yadav and Another, at para 4 as follows:--

"It is a settled law that the High Court has limited scope of interference in the administrative action of the State in exercise of extraordinary jurisdiction under Article 226 of the Constitution of India and, therefore, the findings recorded by the enquiry officer and the consequent order of punishment of dismissal from service should not be disturbed."

5. In view of the facts stated hereinabove, I find no merit in this writ petition. Accordingly, writ petition is dismissed.