
(2014) 01 MAN CK 0007
In the Manipur High Court
Case No : Writ Petition (C) No. 563 of 2012

Shri Naorem Kishan Meitei

APPELLANT

Vs

The Union of India

RESPONDENT

Date of Decision : 19-01-2014

Acts Referred:

Citation : (2014) LabIC 1522

Hon'ble Judges : Laxmi Kanta Mohapatra, Acting C.J.;N. Kotiswar Singh, J

Bench : Division Bench

Advocate : M. Devananda Singh, for the Appellant; C. Kamal Singh, CGSC, for the Respondent

Final Decision : Disposed Off

Judgement

L.K. Mohapatra, Actg. C.J.

1. The petitioner in this writ application challenges the order in Annexure-A/8 dated 10.3.2012 passed by the Commandant, 44 BN, CRPF removing him from service on ground of production of forged educational certificate for the purpose of entering into service. The petitioner was appointed as Constable (General Duty) in the Group Centre, CRPF, Langjing in the state of Manipur in January, 2009 under the die-in-harness scheme. While serving as such and posted in 44 BN, CRPF Zainakote Srinagar (Jammu and Kashmir), a departmental enquiry was initiated against him on the charge that he intentionally produced a false/fake educational certificate of 2006 in support of his educational qualification for the purpose of getting employment under the die-in-harness scheme. The memorandum of charge was issued on 9.11.2011 and the petitioner was directed to submit his reply within 15 (fifteen) days from the date of receipt of the memorandum of charge. Not being satisfied with the reply submitted by the petitioner, the departmental proceeding was initiated and Shri S.R. Meena, Assistant Commandant was appointed as the Enquiry Officer. Though it is the case of the petitioner that he prayed for some time to furnish reliable documents in connection with his educational qualification, he was only granted 15 (fifteen)

days" time. However, he produced the required document before the Enquiry Officer to show that he had the requisite educational qualification for being appointed as the Constable. It is the further case of the petitioner that without considering the certificate produced by him, the Enquiry Officer submitted the enquiry report finding him guilty of the charge and on the basis of the enquiry report, the petitioner was removed from service as a major punishment.

2. Counter affidavit has been filed by all the respondents wherein it is stated that the petitioner was given appointment on compassionate ground on 25.1.2008 as a Constable (General Duty). As per the verification report received from the Under Secretary, Board of Secondary Education, Manipur dated 12.8.2011 as well as the re-verification report received from the same Board of Secondary Education, Manipur dated 11.1.2012, it was found that the petitioner had not appeared in the examination and accordingly the certificate in support of his educational qualification was a fake one. On the basis of such verification and re-verification reports, the departmental proceeding was initiated against him and the petitioner having not been able to prove his stand that he had in fact appeared in the examination and passed, the Enquiry Officer found him guilty of the charge and submitted a report which was the basis for imposing punishment of removal from service.

3. Shri M. Devananda Singh, learned counsel appearing for the petitioner submitted that in the course of enquiry, the Enquiry Officer only relied on the letter of the Dy. Secretary of the Board of Secondary Education, Manipur dated 11.1.2012 wherein an intimation was given to the department that on verification it was found that the petitioner did not appear in the examination conducted by the Board of Secondary Education, Manipur in the year 2006 and held the petitioner guilty of the charge. It was the further submission of the learned counsel that in course of enquiry the petitioner produced certificate issued by the same Dy. Secretary of the Board of Secondary Education, Manipur dated 26.12.2011 to the effect that the petitioner appeared in the HSLC examination 2006 (old course) having Roll No. 2025 and passed in the Second Division. This document, according to the learned counsel appearing for the petitioner, was not taken note of by the Enquiry Officer or by the Disciplinary Authority while considering the allegation leveled in the charge and the petitioner was found guilty only on the basis of the letter of the Dy. Secretary 11.1.2012. Shri M. Devananda Singh, learned counsel appearing for the petitioner further submitted that a confusion arose because of the fact that the petitioner had appeared under the Old Course and the intimation given by the Dy. Secretary, Board of Secondary Education, Manipur dated 11.1.2012 was with regard to the examination held under the New Course in which the petitioner had not appeared in the relevant year. Had the department sought for information with regard to the candidates who had taken the examination under the Old Course, it would have got the correct information in terms of the letter written by the Dy. Secretary of the Board of Secondary Education, Manipur.

3.1. Shri C. Kamal Singh, learned CGSC appearing for the respondents heavily relied upon the letter of the Dy. Secretary of the Board of Secondary Education, Manipur dated 11.1.2012 on the basis of which the charge was framed and submitted that when the Dy. Secretary of the Board of Secondary Education, Manipur informed the department that the petitioner had not appeared in the High School Leaving Examination 2006, the letter of the Principal of the School on which the claim of the petitioner is based could not be relied upon.

4. The charge against the petitioner is that at the time of his enlistment in the CRPF on 25.1.2008, he intentionally produced a false/fake educational certificate 2006 bearing No. 21267 and Roll No. 2025 with date of birth as 02.02.1988 issued by the Board of Secondary Education, Manipur. The above certificate was verified through the concerned Education authority by the DIGP vide his letter dated 22.9.2011 and in turn the Under Secretary, Board of Secondary Education by letter dated 12.8.2011 intimated that the High School Leaving Examination Certificate bearing No. 21267 and Roll No. 2025 has been verified and found to be fake. Thereafter a letter was issued on 6.12.2011 to the Principal of the School in which the petitioner was reading by the Enquiry Officer for verification and the Principal in his letter dated 26.12.2011 intimated that the petitioner having the same Roll No. appeared and passed the High School Leaving Certificate Examination 2006 in Second Division. However, the intimation given by the Principal was not accepted and re-verification was made from the Board authorities. Basing on the letter of the Dy. Secretary, Board of Secondary Education, Manipur dated 11.1.2012 the petitioner was found guilty of the charge.

5. We find from the order of the Disciplinary Authority that in course of enquiry, the petitioner not only produced the certificate issued by the Principal of the School as stated earlier but also produced another certificated dated 19.1.2012 issued by the Dy. Secretary(Academic) of the Board of Secondary Education, Manipur, which shows that the petitioner appeared in the High School Leaving Certificate Examination (Old Course) conducted by the Board of Secondary Education in the year 2006 having Roll No. 2025 and was placed in Second Division. This document is also available in the record of the departmental proceeding as verified by us. Genuineness of this document as well as the intimation given by the Principal of the School in which the petitioner was reading were not verified by the department before finding the petitioner guilty of the charge. Though we find that the Enquiry Officer as well as the Departmental Authority were aware of the certificate produced by the petitioner issued by the Dy. Secretary (Academic) of the Board of Secondary Education dated 19.1.2012, they did not take any care to get such document verified from the Board of Secondary Education, Manipur. This intimation given by the Dy. Secretary (Academic) on 19.1.2012 clearly shows that the petitioner appeared in the High School Leaving Certificate Examination (Old Course) conducted by the Board of Secondary Education in 2006 having Roll No. 2025 and was placed in the Second Division. We are, therefore, of the view that the matter should be remitted back to the Enquiry Officer with further direction to get the genuineness

of the letter dated 19.1.2012 verified from the Board of Secondary Education, Manipur. Accordingly, we set aside the impugned order in Annexure-A/8 dated 10.3.2012 as well as the Enquiry Report and remit the matter back to the stage of enquiry and further direct that the Enquiry Officer before submitting Enquiry Report shall get a further verification from the Board of Secondary Education, Manipur as to whether the petitioner appeared in the High School Leaving Certification Examination (Old Course) conducted by the Board of Secondary Education, Manipur in the year 2006 having Roll No. 2025 and as to whether he was placed in the Second Division as intimated by the Dy. Secretary (Academic), Board of Secondary Education, Manipur in his letter dated 19.1.2012 or not. The writ application is accordingly disposed of.