
(2023) 02 CAT CK 0045

In the Central Administrative Tribunal

Case No : Original Application No. 653 Of 2019

Sumit Kumar Garg

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 24-02-2023

Acts Referred:

Central Civil Services (Temporary Services) Rules, 1965 — Rule 5, 5(1)

Citation : (2023) 02 CAT CK 0045

Hon'ble Judges : Om Prakash VII, Member (J); Mohan Pyare, Member (A)

Bench : Division Bench

Advocate : Alok Mahra, T.C. Agrawal

Final Decision : Dismissed

Judgement

Om Prakash-VII, Member (J)

1. The present O.A. has been filed by the applicant for quashing the impugned order dated 27.5.2019 and quash the consequential order dated 29.5.2019 , whereby applicant was relieved from his post.

2. The brief facts of the case are that in pursuance of the advertisement dated 13.4.2011 for the post of Gramin Dak Sewak, Raisi, applicant applied enclosing High School Mark sheet and certificate. Applicant was selected for the post, appointment order dated 28.9.2011 was issued and applicant joined the post on 30.9.2011. Respondent No. 3 issued advertisement dated 9.2.2018, for five post of Postman under GDS cadre. Applicant applied for the post of Postman and was selected. Applicant in pursuance of order dated 12.4.2018, completed 10 days training from 16.4.2018 till 25.4.2018 and was posted as Postman. Some complaint regarding High School certificate was filed against the applicant and Assistant Superintendent of Post Office, Roorkee sent a letter dated 25.4.2019 to Secretary, Board of Heigher Secondary Education, Delhi seeking verification of High School Marksheet and certificate of the applicant. Thereafter, Controller of Exam/ Director, Board of Higher Secondary Education, Delhi issued a letter dated

17.5.2019 (Annexure No. 11), whereby he has verified that the mark sheet and certificate of the applicant were found correct as per the School record. It has also been verified that High School certificate awarded by the Board of Higher Secondary Education, Delhi have been granted recognition /validity by the U.P. Education Act, 1921. True copy of the relevant extract of Regulation 14 of Regulations Framed under the U.P. Intermediate Education Act, 1921 is enclosed as Annexure No. 12 to the O.A. It is further stated that even after receiving the letter dated 17.5.2019, respondent No. 3 issued impugned order whereby services of the applicant has been terminated by invoking Rule 5(1) of the Central Civil Services (Temporary Services) Rules, 1965.

3. Per contra, learned counsel for the respondents filed counter reply stating therein that on receiving the complaint dated 15.1.2018 sent by Shri Anup Saini and another complaint dated 10.12.2018 of Sri Mahendra Jha alleging that the applicant has secured appointment as GDSMD, Raisi on the basis of fake educational certificate, the matter was verified from the Board and found that there is no office of the said board on the given address. It is further stated that Council of Boards of School Education in India (COBSE) was also requested to verify the genuineness of the said board and inreply COBSE vide letter dated 2.4.2019 (Annexure No. CR-8 to the C.A.) intimated that ?On verification of the records maintained in COBSE , we find that the name of the Board of Higher Secondary Education , Delhi does not appear in the list of Member Boards of COBSE. It is further stated that as per letter dated 2.4.2019 of COBSE, the Board of Higher Secondary Education, Delhi of which matriculation certificate was produced by the applicant at the time of his recruitment as GDSMD Raisi in 2011 was not a recognized Board of Education in India. On the basis of verification report of COBSE, the services of the applicant as Post Man was terminated under Rule 5 of the CCS (Temporary Services) Rules, 1965.

4. Heard learned counsel for the parties.

5. Learned counsel for the applicant argued that Controller of Exam/ Director, Board of Higher Secondary Education, Delhi in pursuance of letter dated 25.4.2019, issued by the Assistant Commissioner of Post Officers, Roorke vide letter dated 17.5.2019 (Annexure No. 11), verified that the mark sheet and certificate of the applicant were found correct as per the School record and High School certificate awarded by the Board of Higher Secondary Education, Delhi have been granted recognition /validity by the U.P. Education Act, 1921 even then respondents have terminated the services of the applicant even without any opportunity of hearing. It is further argued that appointment of the applicant on the post of Postman was made under the relevant services rules and before terminating the services of the applicant , opportunity of hearing must be provided to the applicant but respondents have terminated the service of the applicant on anonymous complaint.

6. Learned counsel for the respondents have argued that COBSE vide letter dated 2.4.2019 (Annexure No. CR-8 to the C.A.) intimated that ?On verification

of the records maintained in COBSE , we find that the name of the Board of Higher Secondary Education , Delhi does not appear in the list of Member Boards of COBSE. It is further stated that as per letter dated 2.4.2019 of COBSE, the Board of Higher Secondary Education, Delhi of which matriculation certificate was produced by the applicant at the time of his recruitment as GDSMD Raisi in 2011 was not a recognized Board of Education in India. On the basis of verification report of COBSE, the services of the applicant as Post Man was terminated under Rule 5 of the CCS (Temporary Services) Rules, 1965. Learned counsel for the respondents also produced a letter dated 26th July, 2019 issued by M/o Human Resource Development , Department of School Education and Literacy, para 2 of which states that "The said entity i.e. Board of Higher Secondary Education, Delhi stands dissolved w.e.f. 1.7.1962 vide Directorate of Education Delhi Administration Resolution?s No. F.32 (10/62-Edn. Dated 30.6.1962. Therefore, if any other documents is /are produced by the Board of Higher Secondary Education, Delhi in relation to its recognition, then the same may be deemed to be fake and the veracity of the documents may first be got confirmed from the concerned organization/Ministry." It is also argued that applicant?s probation period has not completed and before completion of probation period, services of the applicant can be terminated even without issuing any show cause notice. Hence there is no need to interfere in the present matter.

7. We have considered the rival submission of the parties and have gone through the entire record.

8. From perusal of record, it is clear that applicant has submitted high school certificate of Board of Higher Secondary Education, Delhi and on the basis of which, he has got appointment as GDSBPM in the year 2011 and as postman in the year 2018. Letter dated 26th July, 2019 issued by M/o Human Resource Development , Department of School Education and Literacy, clearly states that "The said entity i.e. Board of Higher Secondary Education, Delhi stands dissolved w.e.f. 1.7.1962 vide Directorate of Education Delhi Administration Resolution?s No. F.32 (10/62-Edn. Dated 30.6.1962. Therefore, if any other documents is /are produced by the Board of Higher Secondary Education, Delhi in relation to its recognition, then the same may be deemed to be fake and the veracity of the documents may first be got confirmed from the concerned organization/Ministry. When the entity of the Board of Higher Secondary Education, Delhi stands dissolved w.e.f. 1.7.1962, how the applicant can pass the High School Exam from the aforesaid Board in the year 2007 (mark sheet is annexed as Annexure A-4 to the O.A.). Certainly applicant has annexed fake high school mark sheet along with his application and got appointment. COBSE vide letter dated 2.4.2019 (Annexure No. CR-8 to the C.A.) also intimated that "On verification of the records maintained in COBSE, we find that the name of the Board of Higher Secondary Education , Delhi does not appear in the list of Member Boards of COBSE. It is further stated that as per letter dated 2.4.2019 of COBSE, the Board of Higher Secondary Education, Delhi of which matriculation certificate was produced by the applicant at the time of his recruitment as GDSMD Raisi in 2011

was not a recognized Board of Education in India. On the basis of above these documents, court is of the view that there is no doubt that applicant has submitted fake documents along with his application and O.A. is liable to be dismissed.

9. According, O.A. is dismissed.

10. There shall be no order as to costs.