

Jyoti Shwroop Trivedi Vs State of U.P. and Others

Court: Allahabad High Court

Date of Decision: March 27, 2012

Citation: (2012) 4 AWC 3311 : (2012) 133 FLR 529

Hon'ble Judges: Rakesh Tiwari, J; Ashok Srivastava, J

Bench: Division Bench

Final Decision: Dismissed

Judgement

Rakesh Tiwari and Ashok Srivastava, JJ.

Heard learned Counsel for the parties and perused the record. This writ petition has been filed

for quashing the order dated 22.12.2008 by which appointment of the petitioner had been cancelled on the ground that during completion of the

formalities, certain serious discrepancies were observed in the papers submitted by him.

2. Brief facts of the case are that petitioner being a student of M.Sc. (Agriculture) of Baba Sahab Bhim Rao Ambedkar University, Faizabad had

appeared in Campus Selection for the post of Village/Rural Development Officer in the Union Bank of India. He had filled up the necessary form

allegedly with the help of his friend as his hand was put in a plaster due to an accident.

3. A letter pursuant to said selection process was sent by the Union Bank of India to the petitioner on 8.7.2008 inviting him for interview along

with all his academic/educational certificates in original. After verification of necessary academic educational certificates and medical examination

report in interview, petitioner was selected by the Board for the post of Rural Development Officer. When the petitioner went up to join the post in

question, it was found by the Bank that his signature did not tally with the signature on his application form. Hence a query was made as to whether

he had filled up his application form or not. The petitioner replied to the query saying that he had filled up his form with the help of his friend as his

hand was crushed in an accident. The reply was not found satisfactory by the Bank hence his appointment letter was cancelled on 22.12.2008. This

has given rise to the present writ petition.

4. The contention of learned Counsel for the petitioner is that when petitioner went up to join his duties on the post in question his selection was

cancelled without affording any opportunity of hearing only on the ground that during completion of the formalities, certain serious discrepancies

were observed in the documents/application form submitted by him.

5. Per contra learned Counsel for the respondent has submitted that on query being made by the Bank authorities with regard to his signatures on

the application form, the petitioner vide his letter dated 29.8.2008 admitted that the signatures on his application form and at other places were not

made by him, but by some other person; that the petitioner had also not produced any certificate regarding medical treatment of his hand in support

of his plea that his hand was crushed in an accident and was in plaster at the time of filling up the form. It is stated that petitioner obtained

appointment in bank playing fraud and by concealment of material facts.

6. After hearing Counsel for the parties and on perusal of records, we observe that banking industry is backbone of financial system in the country

and is extremely sensitive in nature as banks have to ensure that its operations/services are rendered in the best interest of the public and the

country. Therefore, it has to select and appoint employees who are efficient, hard working and whose integrity is prima facie beyond doubt. The

petitioner having failed to stick to the norms and without making any query from the bank as to how he should fill up his application form in the

facts and circumstances claimed by him and without permission of the bank got his form and other documents signed by his alleged friend.

7. The moot question in the aforesaid backdrop would be as to whether the petitioner who could not sign the application form could have

appeared in the written test and qualified or some other person had appeared in his place.

8. The interview letter clearly stipulates that it does not constitute an offer of employment unless candidate concerned ensures that he fulfils each of

the eligibility criteria stipulated in the advertisement for the post in question, or otherwise furnishing of incomplete or inaccurate information or false

documents will entail the cancellation of candidature at any stage, even after appointment and joining the Bank. It is also noted that despite time

being granted on 13.4.2009 to file rejoinder-affidavit to the counter filed by the bank in year 2009, no rejoinder-affidavit has been filed till date

which gives strength to the respondent-bank's case that petitioner wanted to secure appointment by playing fraud and by concealing material facts.

9. For all the reasons stated above, and also in view of the fact that petitioner himself has admitted that he had neither filled up the form nor made

signatures on the form, we are of the opinion that petition is misconceived. The writ petition is, accordingly, dismissed. No order as to costs.