

**Court No. - 15**

**Case :-** APPLICATION U/S 482 No. - 3734 of 2024

**Applicant :-** Sitaram

**Opposite Party :-** State Of U.P. Thru. Prin. Secy. Home, Lko. U.P. And Others

**Counsel for Applicant :-** Sudhir Kumar Misra

**Counsel for Opposite Party :-** G.A.

**Hon'ble Karunesh Singh Pawar,J.**

Heard learned counsel for the applicant and learned A.G.A. for respondent State.

Notices to respondent nos.2,3 and 4 are dispensed with in view of the proposed order.

By this application the applicant has prayed for the following reliefs:-

*"Wherefore it is most respectfully prayed that this Hon'ble Court may kindly be pleased to quash the impugned order dated 15-03- 2024 passed in Criminal Revision No.13 of 2024 under section 397/399 of the Criminal Procedure Code "Sitaram v/s State of U.P & others" passed by the Session Judge, District-Sultanpur as well as rejecting the application under section 156(3) of the Cr.P.C, under section 419, 420, 467, 468, 471, 201 & 506 I.P.C at Police Station Kadipur, Sultanpur vide Order dated 05-01-2024 by the Chief Judicial Magistrate Room No.16, District-Sultanpur, in the interest of justice. Any other order or direction which this Hon'ble Court may deem fit and proper under the circumstances of the case also may be passed in favor of the petitioner."*

Learned counsel for the applicant submits that by showing the date of birth as 15.7.1984 in the High School Marksheet, Ram Asrey of his village got appointment on the post of safai karmai from District Panchayat Raj Officer Sultanpur and is presently

working in Vikas Khand Kadipur, district Sultanpur. He submits that the actual date of birth of Ram Asrey is 15.2.1970 and not 15.7.1984. According to his mark sheet and RTI information has also been obtained by him from the concerned department he gave an application to the police for lodging the FIR against Ram Asrey and other co-accused, however, nothing has been done. Thus an application under Section 156(3) Cr.P.C. has been moved, which has been rejected.

Learned A.G.A. has opposed the contention and has submitted that high school mark-sheet has been issued by the Board which is statutory body and instrumentality of the State and is a certified document. So far as the date of birth is concerned, if such applications are allowed there will be flood of litigations.

Perused the record as well as impugned order dated 5.1.2024. The relevant part of the impugned order dated 5.1.2024 is extracted below:-

"पत्रावली के अवलोकन से स्पष्ट है कि स्वयं प्रार्थी द्वारा पैरा-2 में कथन किया गया है कि विपक्षी संख्या-1 राम आसरे द्वारा हाई स्कूल की मार्कशीट के आधार पर नौकरी प्राप्त किया गया है। यहाँ यह स्पष्ट करना आवश्यक है कि हाई स्कूल प्रमाण पत्र सरकार / शासन द्वारा मान्यता प्राप्त बोर्ड / संस्थान द्वारा जारी किया जाता है। हाई स्कूल में अंकित जन्मतिथि प्रमाणित तिथि होती है। प्रार्थना पत्र में वर्णित तथ्यों के आधार पर किसी संज्ञेय अपराध का कारित होना नहीं पाया जाता है। तदनुसार प्रार्थना पत्र निरस्त किये जाने योग्य है। आदेश आवेदक की ओर से प्रस्तुत प्रार्थना पत्र अन्तर्गत धारा-156 (3) दण्ड प्रक्रिया सत्र का निरस्त किया जाता है।"

Perusal of the aforesaid order shows that the proposed accused Ram Asrey had secured appointment on the basis of date of birth recorded in the high school mark-sheet. Learned court below has rejected the application under Section 156(3) Cr.P.C. on the ground that the high school mark-sheet has been issued

by the Board, which is statutory body and is approved by the State. On the basis of the facts mentioned in the application, learned court below has found no cognizable offence.

Considering the above, I am not inclined to interfere with the order impugned.

Accordingly, the application being devoid of merit is dismissed.

**Order Date :- 30.4.2024**

Madhu