

HIGH COURT OF TRIPURA
AGARTALA

Review Pet. No.31 of 2024

1. **The Union of India**, represented by the Secretary, Ministry of Home Affairs, Government of India, having his office at North Block, New Delhi-110011.
2. **The Secretary**, Ministry of Home Affairs, Government of India, having his office at North Block, New Delhi-110066.
3. **The Director General, Central Reserve Police Force**, having his office at Block No.1, CGO complex, Lodhi Road, New Delhi-110011.
4. **SDG, NEZ Guwahati.**
5. **The Inspector General of CRPF**, Tripura Sector, Ushabazar, Agartala, West Tripura.

.... **Petitioner(s)**

Versus

Sri Ajay Debnath, S/o Late Indra Mohan Debnath, resident of village-79 tilla, Sarat Palli, P.O.-Kunjaban, P.S.-New Capital Complex, Sub-Division-Agartala, District-West Tripura.

....**Respondent(s)**

For Petitioner(s)	:	Mr. B. Majumder, Dy. SGI
For Respondent(s)	:	None

HON'BLE MR. JUSTICE ARINDAM LODH
HON'BLE MR. JUSTICE S.D. PURKAYASTHA

ORDER

10.01.2025

Heard Mr. B. Majumder, learned Dy. SGI appearing for the review petitioners, the Union of India.

The review petitioners have filed the instant review petition on the ground that this Court while dismissing the intra-court appeal did not mention the settled proposition of law that if an employee enters into service on the strength of a fake educational qualification certificate, then his/her service is liable to be dismissed at the very threshold, or to say it otherwise, even after decades, if it comes to the knowledge of the appointing authority that he/she entered into service by producing fake educational certificate, then also, his/her service is liable to be dismissed.

Mr. Majumder, learned Dy. SGI has strenuously argued that this Court while discussing the intra-court appeal, must have given the above observation while dealing with the production of fake certificate by the respondent.

We have considered the submission of learned Dy. SGI and have also perused the judgment and order passed by this Court. After perusal of this judgment and order, we find that while dismissing the intra-court appeal, at paras 8 and 9, it was observed as under:

“[8] After perusal of the records as well as the judgment and order passed by learned Single Judge, it comes to fore that the Revisional Authority, having scrutinized the records in detail, passed an elaborate order declaring the petitioner as not guilty of committing the misconduct as charged against him i.e. production of fake 8th pass certificate and directed reinstatement of the writ petitioner with full back-wages. All on a sudden, the Additional Director General of CRPF had taken up the matter suo moto and without issuance of any show cause notice upon the writ petitioner set aside the order of the Revisional Authority and thus, restored the order of the Disciplinary Authority.”

[9] On perusal of the order passed by the Additional Director General of CRPF, and having gone through the order passed by the learned Single Judge, we find that the learned Single Judge has committed no error in holding that there is no provision of review under the CRPF Rules. Rule 29 of CRPF Rules does not empower or does not make any provision to review. Moreso, no reasonable opportunity was provided to the petitioner before restoring the order of dismissal passed by the Disciplinary Authority, and to say it otherwise, the Additional Director General had committed wrong in setting aside the order of the Revisional Authority whereby and whereunder it was directed that the writ petitioner was to be reinstated in service with full back-wages. Needless to say, such exercise of power offends the principles of natural justice and violates the doctrine of Articles 14 and 16 of the Constitution of India. In view of this, we do not find any ground to interfere with the judgment and order passed by learned Single Judge. Accordingly, we confirm and upheld the judgment and order dated 01.02.2022 passed in WP(C) No.615 of 2021. The order of reinstatement with full back-wages as directed by learned Single Judge is hereby confirmed, and we direct the respondent-appellants to comply and implement the order passed by learned Singly Judge within a period of 30(thirty) days from the date of receipt of a copy of this order.”

On bare perusal of the aforesaid observations and discussions, it is clear that this Court while dismissing the intra-court appeal had dealt with the production of fake 8th Pass certificate by the respondent. This Court also had perused the order passed by the Revisional Authority as well as the judgment and order passed by learned Single Judge of this Court and considering all aspects dismissed the writ appeal. Now, the plea that has been taken by the review petitioners is that if an employee enters into service by producing fake documents, his service is liable to be dismissed, there is no quarrel to this proposition of law.

As we have observed in the preceding paragraphs that this issue had already been dealt with by the learned Single Judge of this Court as well as the

Revisional Authority of the petitioner's Organization itself, we find no merit in the present review petition.

Accordingly, the instant review petition stands dismissed.

JUDGE

JUDGE

Snigdha

**SAIKAT
KAR**

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by SAIKAT KAR
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HIGH COURT OF TRIPURA



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