

THE HIGH COURT OF TRIPURA
AGARTALA

WP(C) 219 OF 2011

Shri Madhan Debbarma,
S/O. Shri Samendra Debbarma,
Resident of Vill. Narayanpara,
P.O. Kendarichara, P.S. Takarjala,
Sub-Divn. Bishalgarh,
Dist. West Tripura.

..... **Petitioner.**

- V e r s u s -

1. Union of India,
Represented by Secretary,
Home Affairs, Govt. of India,
New Delhi-1.
2. The Director General of Assam Rifles,
Shillong-11, PIN-793011.
3. The Commandant,
37 Assam Rifles,
C/o. 99 APO, PIN-932037.

..... **Respondents.**

BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA
HON'BLE MR. JUSTICE U.B. SAHA

For the petitioner : Mr. R. Choudhury, Advocate.

For the respondents : Mr. A. Roy Barman, CGC.

Date of hearing and
delivery of judgment
and order. : 09.07.2015.

Whether fit for reporting : **NO.**

JUDGMENT & ORDER(ORAL)

(Deepak Gupta, C.J.)

The petitioner was recruited as Rifleman in the Assam Rifles as a Scheduled Tribe (ST) candidate. At the time of his induction in the Assam Rifles, the petitioner had produced a

Scheduled Tribe certificate. After inquiry, it was found that the certificate which was produced by the petitioner at the time of his involvement against vacancy reserved for ST candidate was a fake one. The certificate was purported to be issued by the Sub-Divisional Magistrate, Sadar, West Tripura. This certificate was bearing No.15832 and was purported to be dated 12.5.1998 issued by the Sub-Divisional Officer, Sadar, West Tripura. On verification, it was found that this certificate was a fake one.

2. The petitioner has admitted that it is fact that the certificate which was furnished by him at the time of his enrolment was fake. His plea was that since his house is situated in a remote area, therefore, he went to the office of the SDM, Agartala to obtain the caste certificate and there one person promised to get him the ST certificate and collected on his behalf on payment of Rs.700/-. The petitioner paid him the amount of Rs.700/- and received the certificate and according to the petitioner, he thought that the certificate is a genuine one.

3. The petitioner pleaded guilty before the Inquiring Officer but prayed that he actually belonged to the ST community and, therefore, he submitted a fresh certificate. The services of the petitioner were terminated. He thereafter filed WP(C) 386 of 2009 which was disposed of by one of us (U.B. Saha, J) with a direction that the petition which was disposed of by a learned Single Judge be treated as a representation. Thereafter, the petitioner filed a fresh representation in which also he admitted that the certificate

originally submitted by him was false. This petition was rejected and thereafter he filed another writ petition being WP(C) 392 of 2010 and this petition was dismissed as withdrawn with liberty reserved to the petitioner to take appropriate action. The petitioner then filed contempt petition No. 32 of 2010 alleging that the orders passed in the previous writ petition had not been complied with and in reply to the contempt petition it was stated that the representation made by the petitioner was disposed of by a reasoned order on 17.9.2010 and the representation was rejected.

4. Here it would be pertinent to bring out certain other facts. After show-cause notice was issued to the petitioner on 31.3.2008, the petitioner along with the reply to the show-cause notice produced a letter dated 04.04.2008 purported to have been sent by the SDM, Sadar, Agartala in which it was mentioned that the Scheduled Tribe certificate was genuine. Another letter from the Deputy Collector and Magistrate, Sadar, Revenue Circle, Agartala dated 11.4.2008 was also endorsed saying that the certificate is genuine. Since earlier the SDM, Sadar and the Deputy Collector and Magistrate had stated that this certificate was a false one, another letter was written to the Sub-Divisional Magistrate and thereafter, the SDM, Sadar, West Tripura vide his letter dated 9.7.2008 again informed the Director General, Assam Rifles that no letters dated 4.4.2008 and 11.4.2008 had been issued by the SDM, Sadar, Agartala or the Deputy Collector and Magistrate, Agartala and that these letters are fake. Thereafter, the contempt petition

filed by the petitioner was also rejected. Then the petitioner filed the present petition being WP(C) 219 of 2011. Not only is this certificate produced by the petitioner false but he has even gone to the extent of producing two other letters which are found to be totally fake.

5. In this view of the matter, we are clearly of the opinion that the petitioner was rightly terminated from service. No benefit can be given to the petitioner and, therefore, the writ petition is dismissed.

JUDGE

CHIEF JUSTICE