

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.286 of 2018

In

Civil Writ Jurisdiction Case No.221 of 2012

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Raj Kishore Mandal, Son of Gopal Mandal, Resident of Village-Nawadah,
P.O.-Tilakpur, P.S. Sultamganj Distt.-Bhagalpur

... .. Appellant/s

Versus

1. The Government of India through the Secretary, Ministry of Home affairs,
New Delhi
2. The Director General, Central Industrial Security Force, New Delhi.
3. The Inspector General, Industrial Security Force, East Kolkata Township,
Kasba Kolkata, 107.
4. The Deputy Inspector General, C.I.S.F., Unit D.S.P. Durgapur, District-
Burdwan West Bengal.
5. The Senior Commandant, C.I.S.F. Unit, D.S.P. Durgapur, District-Burdwan
West Bengal.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Nikesh Kumar, Advocate
For the Respondent/s	:	Mr. S.D. Sanjay, Addl. S.G. Mr. Rajesh Kumar Verma, CGC

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-05-2019

Heard learned counsel for the appellant.

2. It has been vehemently urged that having been exonerated in the criminal case, the departmental proceedings on the charge levelled could not have been taken to have been proved for having found the appellant to be guilty of having impersonated during the examinations.

3. The learned Single Judge after having traversed



the entire facts has arrived at the conclusion that this was a case where the allegation was of impersonation with regard to which evidence was produced during the disciplinary proceedings. The appellant may have been acquitted in the criminal case for want of evidence which was the obligation on the prosecution. In the instant case, it is the departmental authorities who have proceeded in the matter and have categorically found that the appellant was trying to impersonate the candidature of one Devesh Mandal, son of Ganesh Mandal for whom he was participating in the Physical Efficiency Test for the recruitment of Constable. This finding is, therefore, categorical and based on the evidence that was adduced during the disciplinary proceedings that has been indicated in the orders passed by the authorities. Consequently, the conclusion drawn by the learned Single Judge does not appear to be incorrect.

4. Learned counsel then urged that the punishment is disproportionate once the appellant had been acquitted in the criminal case.

5. We do not find this argument to be appealing, inasmuch as, here the appellant had committed an act of a serious breach of the terms and conditions of such examination which not only is unlawful, but it tends to sully the entire



recruitment process. The serious action, therefore, as taken by the authorities does not require any interference. The appeal lacks merit and is accordingly rejected.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

Jagdish/-

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