

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19674 of 2018

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Sri Shyamal Das @ Shyamal Kumar Das, S/o Late Santosh Kumar Das, residing at Ganguriya Paschimpara, Haringhata-1, P.S.-Haringhata, P.O.-Simhat, Dist.-Nadia, PIN-741249, At Present Sri Shyamal Das @ Shyamal Kr. Das, S/o Late Santosh Kr. Das, 12 BN SSB, Kishanganj, Kishanganj Bazar, Bihar-855108.

... .. Petitioner/s

Versus

1. Union of India, service through Ministry of Home Affairs having the office at North Block, Central Secretariat, New Delhi-110 001.
2. Sashastra Seema Bal, Service through Assistant Director (Pers-II), Government of India, Ministry of Home Affairs, having its office at Force Head Quarters SSB, East Block-V, RK Puram, New Delhi-110 066.
3. The Director General, Sashastra Seema Bal, Government of India, Ministry of Home Affairs, having its office at Force Head Quarters SSB, East Block-V, RK Puram, New Delhi-110066.
4. Frontier Head Quarters Patna, represented by its Inspector General, having its Office at Frontier Head Quarters, SSB Patna, 3rd Floor, Karpuri Thakur Sadan, GPOA Building, Ashiana Digha Road, Near Rajiv Nagar Police Station, Patna, Bihar, PIN-800025.
5. The Deputy Inspector General, having office at Sector Head Quarter, SSB Muzaffarpur, Post Office-Umanagar, District Muzaffarpur (Bihar), PIN-842004.
6. The Commandant, 18th Bn SSB Rajnagar, having its office at Police Station and Post Office-Rajnagar, District Madhubani, Bihar-847235.
7. The Inspector, Headquarter, 18th Bn SSB Rajnagar, having its office at Police Station and Post Office Rajnagar, District Madhubani, Bihar-847235.
8. The Commandant, 18th Bn SSB Dumka (Jharkhand), Police Station-Town Thana, Post Office-Bandoharipur, Bijaypur, District T. Dumka, Jharkhand-814110.
9. The Staff Officer (Admn), Frontier Head Quarters, SSB Patna, 3rd Floor, Karpuri Thakur Sadan, GPOA Building, Ashiana Digha Road, Near Rajiv Nagar Police Station, Patna, Bihar, PIN-800025.
10. The Staff Officer (Admn), Sector Head Quarter, SSB Muzaffarpur, Post Office-Umanagar, District-Muzaffarpur (Bihar), PIN-842004.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nagendra Pd. Yadav
For the Respondent/s : Mr.S.D Sanjay Addl. Soc. Gen.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER



5 09-12-2020 Heard Mr. Nagendra Prasad Yadav, learned counsel for the petitioner and Mr. Abhay Shankar Jha, the learned counsel appearing on behalf of the Union of India through video conferencing.

2. The petitioner in this writ petition seeks quashing of the order dated 05.06.2018, issued under the signature of Deputy Inspector General (S.H.Q.) S.S.B. Muzaffarpur, vide No.LC/Appeal/CT/WM/SKD/18th Bn/SHQ/Mzpr/2018/6059-63, dated 05.06.2018, whereby and whereunder the appeal filed by the petitioner against the order of his dismissal passed by the disciplinary authority in exercise of power conferred under Rule 23 read with Rule 18 of SSB/09 imposing penalty of dismissal from service has been dismissed. The petitioner further seeks quashing of the order dated 13.01.2018, passed by the Commandant, 18th Bn SSB Rajnagar whereby the petitioner has been dismissed from service under Rule 23 read with Rule 18 of the SSB Rules, 2009.

3. The facts in brief are that the petitioner was recruited on the post of Constable (Washerman) in Sashastra Seema Bal on 11.03.2006. The petitioner was student of Kastodanga Tarakdas Vidyapith, P.O. Kastodanga, District Nadia and passed his Class VIII from the said school. At the time of appointment, the petitioner submitted certificate of Class VIII, which was issued by



the competent authority, the Headmaster of Kastodanga Tarakdas Vidyapith and after due verification, the petitioner was appointed and petitioner did his duty with utmost sincerity. The petitioner was called upon to show cause being Notice No. 18TH / ESTT / CRC /PF /0689051/S.K.D./17/10175-81, issued by respondent no.8 under Rule 23 of SSB Rule 2009 accusing the petitioner of suppressing his educational qualification and date of birth at the time of his recruitment. The petitioner was directed to show cause within 30 days. The petitioner submitted his show cause on 23.10.2017. The Court of Inquiry was held and it was found that the petitioner was guilty of suppressing the facts and got appointment on the basis of manufactured and forged certificate of Class VIII pass and, on such, the disciplinary authority dismissed the petitioner from service. The appeal of the petitioner has also been dismissed.

4. Learned counsel for the petitioner submits that the petitioner submitted his certificate at the time of appointment and the certificate of the petitioner was duly verified. Only then he was appointed on the post of Constable (Washerman) in Sashastra Seema Bal in the year 2006. The petitioner rendered 12 years of service with utmost satisfaction of his controlling officer but somebody made complaint about the genuineness of the certificate of the petitioner and concealment of his genuine age in the



certificate submitted by the petitioner which alleged to be forged and fabricated. It is further submitted that the punishment is disproportionate and the disciplinary authority has not taken into consideration the 12 years' satisfactory service rendered by the petitioner and, therefore, a lenient view may be taken.

5. Per contra, Mr. Abhay Shankar Jha, the learned counsel appearing on behalf of Union of India, Sashastra Seema Bal, submitted that the petitioner not only produced the forged certificate but also concealed his date of birth and fraudulently got appointment. The Court of Inquiry was held. Even during the course of enquiry, the petitioner made an attempt to manufacture another certificate said to have been signed by the Headmaster of the school but the Headmaster of both the schools were examined and they have reiterated the fact that the certificate was not issued by Kastodanga Tarakdas Vidyapith rather the petitioner studied in another school and his date of birth was 07.05.1967. There is no discrepancy in holding the enquiry. The petitioner was given sufficient opportunity, therefore, there is no illegality in the order.

6. Admittedly the petitioner produced the certificate of Class VIII pass from Kastodanga Tarakdas Vidyapith Madhyamik School, District Nadia at the time of his appointment but when a complaint was received, the petitioner was called upon to show cause. The Court of Inquiry was held. The petitioner was given



full opportunity to participate in the Court of Inquiry. During the enquiry, the Headmasters of both the schools, one from which the certificate was said to have been issued and the other in which the petitioner is said to have studied, are examined and they have clearly stated that the certificate produced by the petitioner is manufactured and forged. The petitioner produced forged certificate reducing his actual age in the certificate at the time of his appointment. It has also come that while the Court of Inquiry was held, the petitioner again produced a certificate of the school and the same was also found forged, therefore, I find that the authority has rightly dismissed the petitioner and the order requires no interference.

7. Accordingly, the writ petition is devoid of any merit and the same is dismissed.

(Prabhat Kumar Jha, J)

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