

03 13.04.22

Ct. No. 04

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WP.CT. 6 of 2022

**Shri Goutam Pramanik
Vs.
The Union of India & Ors.**

**Mr. Golam Mastafa,
Mr. Samirul Sardar,
Mr. Atiqueul Islam.
 ... for the petitioner.
Mr. Sovan Mukherjee.
 ... for the respondents.**

A belligerent litigant has attempted to get away with the orders passed in the proceeding prevaricating his stand at every stage of the litigation. The application for appointment on compassionate ground could not yield favourable result in favour of the writ petitioner, as the certificates concerning the educational qualification were ingenuine and alleged to have been obtained for such purpose. Different certificates issued by different schools are relied upon at different stages of the proceeding and it is boldly stated by the writ petitioner that the certificate, which was relied upon earlier by the railway authorities, has not been submitted by him.

There is no enmity with the concerned officer so far as the appointment of the writ petitioner is concerned. It is a matter of serious concern that a litigant is showing a brazen attempt in approaching the Court making a false statement denying even the pleadings filed in the Tribunal. Even the learned Advocate representing the writ petitioner is simply communicating and echoing the voice of the belligerent litigant and denied the signature appearing on the rejoinder to the reply filed in an earlier round of litigation before the

Tribunal, i.e. OA 244 of 2002.

The reliance is sought to be made on the order disposing of the said OA 244 of 2002 showing that there is no reference of such document and the document, which is relied upon therein, has been branded as false by the writ petitioner. Taking advantage of non-reflection of the document annexed to the rejoinder, the writ petitioner has boldly communicated that he did not file the rejoinder before the Tribunal in the said proceeding.

We have been given a certified copy of the rejoinder filed before the Tribunal and after perusal thereof we do not have even a semblance of doubt in our mind that such pleading do form a part of the said record. It is easy to say orally that the document was not filed, but it is very difficult to get away with the reality of fact that such document forms an integral part of the proceeding.

The Tribunal maintains the record and if something is found in the record and the certified copy is issued, no prudent man would disbelieve the authenticity or genuinity of such document. When this matter is taken up on several occasions there is no attempt having shown to have been taken in this regard except an oral denial through the learned Advocate for the writ petitioner.

The railway authorities have time and again indicated that the transfer certificate annexed to the application filed by the writ petitioner as well as annexed to the pleadings are different. It is inconceivable and improbable that a person can study simultaneously in more than one school and have obtained certificate from each of such school having different date of birth, but the other

antecedents are sufficient enough to show the identity.

We are not unaware of the principle behind the promulgation of the scheme concerning appointment on compassionate ground. The first and foremost object is to tide over the family from a sudden financial crisis suffered because of untimely death of the bread-earner. Though sometimes it is assumed to have offended Article 14 of the Constitution of India, but such schemes are framed with social objective and have been accepted as a valid piece of legislation and does not offend Article 14 of the Constitution.

The litigant may utilise all resources at his command in order to get the appointment on compassionate ground using the ingenuine and false certificates, but does not deserve any leniency nor sympathy from the Court of equity. The equity must be extended to a person who comes to the Court with clean hands and not a person who has misused his resources and approaching the Court to have the desired result. Such errant litigant should be dealt with iron hands and shall not be allowed to walk merrily from the corridors of the Court.

We do not have a slightest doubt in our mind when a certified copy of the rejoinder filed by the writ petitioner in earlier round of litigation and we have further seen the documents annexed thereto it is open and blatant lie at the behest of the writ petitioner on an earlier occasion when we took up the writ petition that he did not submit any transfer certificate issued by the Doherpur Tapashili Junior High School.

In view of the findings made hereinabove, we do not find any ground or a case having made out

warranting interference with the impugned order.

Because of the conduct of the writ petitioner as indicated hereinabove, no further application seeking appointment on compassionate ground shall be entertained by the respondent authorities and the matter shall be treated to have been closed for all time to come.

It is a fit case where we should impose costs upon the litigant, but since we have seen the plight of such litigant having lost the bread-earner of his family, we do not propose to imposing any costs upon him.

The writ petition is thus dismissed.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)