

43.
08.12.2022
S.D.

W.P.A. 7489 of 2021

Bhaja Hari Mahato
Vs.
Union of India & Ors.

Mr. Arjun Roy Mukherjee
Mr. Sougata Mitra
Mr. Rameshwar Sinha
Ms. Ankita Dey

... For the Petitioner

Despite the service no one appears on behalf of the respondents.

Mr. Roy Mukherjee, learned counsel appearing on behalf of the petitioner submits that the appointment of the private respondent no. 6 to the post of Group-'D' employee in the Sainik School Purulia should be set aside and/or cancelled. The reason for such cancellation is submission of fake documents from the Board of Secondary Education, Madhya Bharat, Gwalior. The said documents are annexed to pages 30 and 31 of the writ petition.

Furthermore, he draws the attention of this Court to a confidential report dated July 9, 2019 issued by the Head of Branch, CBI/SPE/Dehradun to the Chief Secretary, Government of Assam, Dispur. It is stated in the confidential report that the name of Board of Secondary Education,

Madhya Bharat, Gwalior has been removed by the Madhya Siksha Parishad, Uttar Pradesh (U.P. Board). The issuance of the mark sheet and certificates by the Madhya Bharat Board is completely illegal. Suitable action has been recommended against the beneficiaries who have procured appointment in Government departments by relying on the mark sheets and certificates issued by the Madhya Bharat, Gwalior Board.

It is submitted on behalf of the petitioner that by a letter dated December 11, 2022, the aforesaid facts have been brought to the notice of the respondent no. 5/the Principal of Sainik School, Purulia. Even then, no step was taken by him for cancellation of the appointment of the private respondent no. 6 who relied on a fabricated document/fake certificate for the purpose of procuring his appointment.

Mr. Roy Mukherjee prays for consideration of the representation dated December 11, 2022.

After considering the submissions of the learned counsel appearing for the petitioner and the materials placed on record, this Court directs the representation dated December 11, 2020 to be considered in the light of the document annexed at page 35 of the writ petition being a confidential memo issued by the Head of Branch, CBI to the Chief Secretary, Government of Assam.

Let a personal hearing be given to the petitioner as well as the respondent no. 6 within six weeks from date.

Let the reasoned order be communicated to the petitioner within two weeks of passing thereof.

In the event, the first empanelled candidate's/respondent no. 6's appointment is set aside or cancelled due to the procurement of fake certificates evidencing educational proof of his qualification, let the second empanelled candidate be considered for appointment in his place and stead upon fulfilling the necessary criteria.

With the aforesaid directions, **W.P.A. 7489 of 2021** is **disposed of**.

Since no affidavits have been directed to be exchanged in the present writ petition, all the allegations contained therein are deemed not to have been admitted by the parties.

All parties shall act on the server copy of this order duly downloaded from the **website** of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)

