

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

22.08.2022
Item No. 22
Court No.23
(Suvendu)

WPA 17520 of 2022

Mritunjay Hasda & Ors.
Vs.
The Union of India & Ors.

Mr. Partha Ghosh
Mr. Amal Kumar Datta
Mr. Rahul Agarwala
Ms. S. Sureka
Mr. Debashis Das

.....for the petitioners

Ms. Indrani Chakraborty

....for the respondent nos.1 to 5

Mr. Pinaki Dhole
Mr. Pinaki Bhattacharya

.....for the State

Affidavit of service filed in Court today is taken on record.

The petitioners are seven in number. They say that pursuant to an advertisement for engagement of Gramin Dak Sevaks (in short, GDS), the petitioners submitted their candidature and they were short-listed as per the document appearing at pages 41 to 45 of the writ petition. The petitioners came for documents verification before the Divisional Head at Balurghat when the certificates submitted by the petitioners were said to be forged. The petitioners in the instant application wants the genuineness of the

educational certificates furnished by the petitioners to the respondents for verification to be adjudicated by the issuing authority. The petitioners say that neither of the respondents can declare the documents /testimonials submitted by the petitioners to be either fake or forged. It is only the issuing authority who can say whether these documents have been issued by them to the petitioners.

Admittedly, on the basis of the complaint made by the respondent no. 4 on behalf of the respondent nos. 1 to 5, a Police Case being Balurghat Police Station Case No. 509/2022 dated 19th July, 2022 under Sections 467/468/471/34 of the Indian Penal Code 1860 has been initiated. The documents which have been produced by the petitioners, which were prima facie detected by the respondent nos. 1 to 6 to be fake, is the subject matter of the criminal proceedings. The genuineness of such documents will be more effectively adjudicated by the criminal court while trying the case. The expertise for detecting the genuineness of the documents is more effectively available with the criminal court than the writ court.

Considering that any observations made while adjudicating the issues involved in this writ petition

is likely to effect the criminal proceedings, I am not inclined to entertain the prayers made in the writ petition at this stage. The writ petition is therefor dismissed without any order as to costs.

However, the dismissal of this writ petition will not preclude the petitioners from taking all the points taken in the writ petition before the appropriate criminal court in their defence.

(Arindam Mukherjee, J.)