

Item-4. 12-09-2023

MAT 203 of 2023
CAN 2 of 2023

sg Ct. 8

Uma Shankar Prasad
Versus
The State of West Bengal & Ors.

Mr. Partha Banerjee, Adv.

...for the petitioner

Mr. Sandip Kr. De, Adv.

Mr. Abhijit Sarkar, Adv.

...for the respondent nos.4-6

Mr. Supriyo Chattopadhyay, Id. AGP.

Ms. Iti Dutta, Adv.

...for the State

1. A criminal proceeding is pending against the writ petitioner on the ground of forgery. There is discrepancy between the date of birth disclosed by the writ petitioner at the time of joining the Institution and the communication received from the Bihar Vidyalaya Pariksha Samity, Patna dated 24th April, 2019, which disclosed the date of birth of the writ petitioner is 2nd March, 1964.
2. A proceeding was initiated against the petitioner on the basis of the forged documents that had resulted in dismissal of the writ petition.
3. An FIR has been lodged against the writ petitioner and the documents disclosed in the affidavit-in-opposition suggests that the trial has commenced.
4. Under such facts and circumstances, we are not inclined to interfere with the order passed by the learned Single Judge.
5. However, the order passed by the learned Single Judge or any observation made by us in this order, shall not influence the proceeding pending before the Trial Court as the views

expressed by the Trial Court were prima facie based on the documents disclosed without any detailed examination which would not be proper in the instant case.

6. This order shall not prevent the petitioner to take appropriate steps in accordance with law in establishing the documents on which he had relied upon at the time of joining or his allegation that his service record was subsequently manipulated.
7. Liberty is given to approach the Trial Court for release of the documents upon notice to the learned Additional Public Prosecutor.
8. The appeal is, accordingly, dismissed. In view of the dismissal of the appeal, there is no need to pass any direction in the application for stay and the same is thus disposed of.

(Siddhartha Roy Chowdhury, J.)

(Soumen Sen, J.)