

106 **15.05.**
2023

Ct. No. 04

Ab

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side.

WP.ST 37 of 2023

Bishwajit Chakraborty
Vs.
The State of West Bengal and others.

Mr. Supratim Dhar,
Mr. Tirupati Mukherjee.
... for the petitioner.

Mr. Tapan Kumar Mukherjee, Ld. AGP,
Mrs. Saheli Mukherjee.
... for the State.

Pursuant to the earlier order, the report has been filed before the Court.

A wrongdoer is not entitled to reap the benefits of his wrong nor expect to receive any blessings from the Court. The person knowingly that the false certificate has been obtained and submitted to the authority to consider his candidature under the compassionate ground proceeded with the application and prevaricated his stand at a subsequent stage when the authority rejected the claim on the ground that the said certificate is ingenuine, false and does not reveal the true facts.

Admittedly, the father of the petitioner died in the year 2013 while in service. An application seeking compassionate appointment was taken out by the petitioner annexing a document purportedly issued by the Gourangdih High School (Government sponsored) disclosing that the petitioner was a student of the said school and read up to Class-VIII.

The petitioner is well aware of the fact that he never studied in the said school yet such certificate was

annexed to the application seeking appointment on compassionate ground. Obviously, the petitioner was expected that his application would be processed on the said basis, but the moment the enquiry conducted by the concerned office revealed the fact that the petitioner was never a student of the said school, he immediately changed the stand and shirk his responsibility on the shoulder of his deceased father.

Obviously, no action can be taken against the dead person and realizing that situation he blamed the father by writing a letter that during the lifetime his father obtained such certificate having a close connection with the Headmaster of the said school.

Interestingly, the said certificate revealed that the petitioner could not qualify the examination conducted for promotion to Class-IX whereas the certificate subsequently furnished by the petitioner issued by the Mangalda Bharapurnath Jeeu High (HS) School revealed that the petitioner passed Class-VIII examination and was promoted to Class-IX. If a person has qualified the examination conducted for Class-VIII and was promoted to Class-IX, it is improbable and inconceivable that he would submit a certificate of a school where he never studied nor even qualified the examination conducted for promotion to Class-IX.

Having realized that the steps may be taken against him for furnishing the false certificate, the entire blame is shifted on the shoulder of his father, who is no longer in the world. A person who has studied up to Class-IX is not expected to understand the consequences of furnishing a false certificate.

We do not find any necessity of furnishing such false certificate if the petitioner was a student of another school and qualified for Class-IX unless there is something behind the curtain, which the authority has

been unsuccessful to unveil.

Be that as it may, the authority found that the certificate issued by the petitioner at the initial stage of filing an application is ingenuine, fabricated and attempted to achieve the appointment on compassionate ground, we do not find any illegality and/or infirmity in the stand of the authority in rejecting the claim of the petitioner.

The writ petition is devoid of merit and the same is hereby dismissed with costs assessed at Rs. 10,000/- to be deposited with the State Legal Services Authority within six weeks from date. In the event the said amount is deposited within the time frame, the same shall be kept in the account earmarked for juvenile.

In default, it is open to the appropriate authority to issue a certificate for realization of the said amount as land revenue.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)