

DL-10

25.07.2023
Court No.5
(AD)

WP.ST 99 of 2023

**Naranath Chandra
Vs.
The State of West Bengal & Ors.**

Mr. Rabindra Nath Mahata

... for the petitioner.

Mr. Tapan Kumar Mukherjee, Ld. AGP

Mr. Somnath Naskar

... for the State respondents.

We are concerned with the writ petition directed against an order dated December 11, 2015 passed by the West Bengal Administrative Tribunal in OA-1560 of 2012.

The writ petition was initially taken up for consideration on July 12, 2013. We noted then that, the writ petitioner was seeking to explain the delay in approaching the High Court under Article 226 of the Constitution of India on the basis of medical documents annexed to the writ petition. Noting the same, we directed the Doctor whose signature appeared on the two medical certificates to be personally present on the next date to explain the contents of the two medical certificates.

The writ petition as made returnable on July 19, 2023. On July 19, 2023, the Doctor did not appear before Court. Petitioner was present. Since the Doctor was absent, State was directed to ensure the presence of the Doctor on the next date.

The writ petition was taken up for consideration on

July 20, 2023. Learned Senior Advocate appearing for the State submitted that the concerned Doctor was of advanced age and ill and, therefore, unable to come physically to Court.

Today, when the writ petition is taken up for hearing, at the outset, learned Advocate for the writ petitioner submits that the writ petitioner made a false statement on Oath in the writ petition.

Learned Senior Advocate appearing for the State produces a writing of the Doctor concerned.

We perused such writing of the Doctor. We perused the signature of the Doctor appearing in such statement and compared the same with those of the same Doctor appearing in the two medical certificates relied upon by the writ petitioner. *Prima facie*, we find that the two signatures are different. The Doctor signs 'D' in particular way which is appearing in the statement relied upon today while the two medical certificates contain the letter dated 'D' in another fashion. The manner in which, the letter 'T' in the title of the Doctor is crossed is also different.

Prima facie, if the signature in the statement made by the Doctor produced today in Court, is taken as the signature of the Doctor concerned, then, it appears that, the signature of the same person was forged in the two medical documents that the petitioner relies upon in the writ petition.

We requested the learned Advocate for the petitioner

to produce the original of the two medical certificates and the medical documents. He makes over the original of the certificate dated August 23, 2022, two certificates of discharge dated October 14, 2022 and November 11, 2022 as well as the certificate of the Doctor dated May 9, 2023. The same be taken on record.

The statement of the Doctor made over by the learned Senior Advocate for the State in Court today be also taken on record.

In his statement, the Doctor states that, he worked as a Medical Superintendent with an organization and on his superannuation in the year 2005, he continued his practice as a medical consultant. He used to work as a part-time residential medical officer in Srinibas Nursing Home in the year 2015. He claims that he never consulted any patient at such nursing home. He claims he did not issue the certificates nor did he prescribe any medical test on diagnosis to the writ petitioner. He expressed his inability to appear physically in Court in view of his advanced age and ailment.

Prima facie, a case of forgery, falsification of documents, making false statements on Oath knowing the same to be false, *inter alia*, stands made out as against the petitioner.

Petitioner approached the High Court with unclean hands on the strength of materials which *prima facie* appears to be forgery. He made false statements on Oath

knowing fully well that they were false. In such circumstances, the present writ petition cannot be entertained.

However, dismissal of the present writ petition simplicitor without the writ petitioner being attended with the consequences for the wrongs committed will be a travesty of justice.

In such circumstances, the Registrar General of this Hon'ble Court will lodge a complaint with the police authorities in relation to the forgeries that the writ petitioner committed in respect of the medical documents, falsification of documents and making false statements on Oath before this Court knowing them to be false.

Such complaint be lodged as expeditiously as possible and preferably within seven days from the date hereof.

The investigating agency is at liberty to take custody of the original documents as also a copy of the writ petition for the purpose of investigation and trial, if there be any.

In addition to the criminal liability that is required to be adjudicated by the appropriate Court, we deem it appropriate to impose costs of Rs.50,000/- (Rupees Fifty Thousand Only) upon the petitioner for coming to the Court with unclean hands, making false statements on Oath, falsification of documents and indulging in forgeries.

Such costs be paid by the petitioner to the West Bengal Legal Aid Services, Kolkata within seven days from date.

Petitioner will submit documentary evidence on payment of such costs with the Registrar General of this Hon'ble Court. In default of payment of costs as directed, the District Magistrate, Bankura will initiate appropriate proceedings for realization of such costs as arrears of land revenue under the provisions of the Bengal Public Demand Recovery, 1913.

The statement of the Doctor produced by the State today as well as the original medical documents be kept in a sealed cover by the Registrar General.

WP.ST 99 of 2023 is disposed of accordingly.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

