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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. 16683 of 2022

Sudeb Sarkar
Vs.
Union of India & ors.

Mr. Mahadeb Sarkar
Mr. Bikash Chowdhury
... for the petitioner

Mr. Arobindo Sen
Mrs. Priti Jain
... for the Union of India

The petitioner has been **removed** from service by an order dated July 3, 2006. Such order was affirmed by the Appellate Authority by an order dated August 24, 2010. Thereafter, the Revisional Authority rejected the prayer of the petitioner by an order dated November 4, 2016.

The petitioner had produced '*fake*' certificate declaring himself as a Scheduled Tribe candidate in order to get recruited in the Central Reserve Police Force (CRPF). He secured his employment in the rank of Constable (GD) and continued to serve in CRPF. Therefore, it was held by the Disciplinary Authority that under Section 11(1) of CRPF Act, 1949 the petitioner committed *gross act of misconduct* in his capacity as a member of the Force.

Now, the petitioner has made a mercy application to the Home Secretary, Government of India on December

20, 2021. In the present writ petition, he prays for consideration of the same.

Considering the submissions made by the parties and materials placed on record, this Court finds that the present writ petition has been filed in gross abuse of the process of law. A person praying for discretionary relief before this Court under Article 226 of the Constitution of India, cannot approach this Court with unclean hands.

Therefore, this Court finds no merit in the present writ petition.

Accordingly, **W.P.A. 16683 of 2022** is **dismissed**.

All parties shall act on the server copy of this order duly downloaded from the official website of this Hon'ble Court.

Urgent photostat certified copy of this order, if applied for, be handed over to the parties on usual undertaking.

(Lapita Banerji, J.)