

21.08.2023
Item No.15
gd/ssd

WPA(P)/438/2023
KAUSIK MAITI
VS
UNION OF INDIA AND ORS.

Mr. Sabir Ahmed,
Mr. Prasenjit Debnath,
Mr. Sayan Kanjilal,
Mr. Sagnik Bhattacharya,
Mr. Dibayan Banerji,
Mr. Soham Chakrabarty,
Ms. S. Biswas
..for the Petitioner.

Mr. Deepnath Roychowdhury,
Ms. Manali Ali
..for the State.

Mr. Debapriya Gupta
..for the Union of India.

1. By this public interest litigation the petitioner seeks for a very large and widely couched relief for directing the respondents to stop the entire recruitment process which has been commenced in the year 2022 by conducting an open competitive examination for recruitment to the Posts of Constable (General Duty) in the various Central Forces in so far as it relates to the personnel who are recruited and posted in the State of West Bengal.

2. The main issue based on which the writ petition has been filed is that domicile certificates are issued by the State of West Bengal which are invariably forged and fabricated documents or certificates which

have been issued without proper verification by the State authorities.

3. In this regard criminal complaint has also been lodged and FIR has been registered in certain cases.

4. The learned Government counsel appearing for the respondent/police submits that the case which has been registered by Haringhata Police Station Case No.309 of 2023 and Madhyamgram Police Station Case No.448 of 2023 have already been taken on file, FIR has been registered and investigation is in progress.

5. We find that though the petitioner has made very serious allegation of fraud and forgery being committed, it appears that the petitioner has not brought these facts to the notice of the appropriate authorities by way of a representation before filing this writ petition.

6. The learned Deputy Solicitor General intervened in the matter and submitted that the learned Single Bench of this court in WPA 12625 of 2023 dealt with a similar issue and an order was passed on 02.08.2023 and pursuant to the directions issued therein, the Central Bureau of Investigation (CBI) has registered a case and has commenced investigation into the recruitment in the Central Armed Police Forces wherein there was an allegation that

certain candidates have participated in the selection process by producing forged and fake documents.

7. Considering the wide ramification of the matter and also taking note of the fact that CBI has already commenced investigation and also taking note of the submission of the learned Central Government Standing Counsel, who, on instruction, would submit that already verification is being done by the recruiting agency and in certain cases recruitments are also being cancelled.

8. In the light of the above, we direct the petitioner to submit a comprehensive representation to the 2nd and 3rd respondents, namely, the Staff Selection Commission, Government of India pointing out specific instances and also enclosing documents in support of their contentions. If such representation is received, Staff Selection Commission shall consider the same and take necessary steps for verification of the issues that will be pointed out by the writ petitioner in the representation which has been directed to be submitted. In this regard, if any information/verification is required from the State of West Bengal, the Staff Selection Commission or any other authority of the Central Government shall call for such information and if such information is called for, the Principal Secretary, Department of Home Affairs, State of West Bengal shall call for the necessary

information from the respective District Magistrates and submit the same to the Staff Selection Commission or any other Central Authority without loss of time. In order to ensure that the investigation done by the CBI is proceeded to in an appropriate manner, the State police shall share information received by them wherever complaints are lodged regarding the fake and forged domicile certificate to the CBI, SEB, Kolkata Unit.

9. With the above observations, the writ petition stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)