

21.
25.9.2023
S.D.

W.P.A. 21391 of 2023

Sanjoy Goswami
Vs.
The State of West Bengal & Ors.

Mr. Kalyan Kumar Chakraborty
Mr. Kashinath Bhattacharya
Ms. Rimasree Chatterjee
..For the Petitioner

Mr. Debanjan Mukherjee
...For the WBSEDCL

The admitted facts of this case are that the petitioner's date of birth is December 2, 1976. Deliberately misstating his date of birth as December 2, 1976, the petitioner got compassionate appointment in place and stead of his father who was working as a permanent employee with the West Bengal State Electricity Distribution Company Limited (WBSEDCL) and died-in-harness on December 22, 2008.

The petitioner was aware that on the date of death of his father he was aged 32 years and 20 days and as such was *ineligible* for such employment. The upper age limit for General Category candidates is 30 years. Deliberately knowing so, the petitioner stated his age to be below 30 years.

Furthermore, the petitioner relied on a Transfer Certificate from Alinagar High School (North) to show that he was a student of class-VIII and relied on the same as a proof of his date of birth.

In fact, the petitioner was a student of Mothabari High School (HS), Malda and he passed Madhyamik Examination in 1994 and Higher Secondary Examination in 1996. As per the Mothabari School records, his date of birth is December 2, 1976.

In usual process, when the Police Verification Roll (PVR) of the petitioner was conducted and sent to Superintendent, DIB, Malda for verification of his character and antecedents, the aforesaid facts were detected by the authorities concerned. Before the authorities, the petitioner admitted such facts.

When the matter was enquired by the Vigilance Cell of the Corporation, such facts were also detected.

The petitioner was still on probation. When the petitioner was appointed on January 4, 2014, it was made clear that he would be appointed in the regular establishment of WBSEDCL, retrospectively with effect from the date of joining only on receipt of satisfactory PVR and Caste Verification Report.

Thereafter, the petitioner was terminated from service.

Since the petitioner was on probation, the employer/WBSEDCL chose not to draw formal departmental proceedings against the petitioner. Therefore, the petitioner was discharged from service with immediate effect.

The order passed by the Appointing Authority and Managing Director (HR & A), WBSEDCL dated February 1, 2023 discharging the petitioner, is under challenge in the present writ petition.

This Court is surprised by the conduct of the petitioner. Not only, the petitioner has committed fraud on the employer by deliberately and willingly applying for the job by producing fake and fabricated documents, but also sought to waste valuable judicial time by filing the present writ petition. Such a conduct of the petitioner is not at all appreciated.

Considering the fact that the petitioner has been discharged from service and the family is suffering from financial hardship, this Court is not imposing costs for waste of judicial time, which the Court was otherwise minded to do.

There is absolutely no merit in the present writ petition. The petition has been filed in the abuse of the process of law.

Accordingly, **W.P.A. 21391 of 2023** is **dismissed**.

Since no affidavits have been directed to be exchanged in the present writ petition, the allegations contained in the writ petition are deemed not to have been admitted by the parties.

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

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)