

1807
2024
THURSDAY

Court : 08
Item : DL-12
Matter : MAT
Status : DISMISSED
Bench ID : 266048
Transcriber : NANDY

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

MAT 153 of 2024
with
CAN 1 of 2024

Rahul Mandi
Vs.
The Union of India & Ors.

Mr. Soumik Ghosh, Advocate
Mr. Pradip Saren, Advocate
Ms. Saheli Hemram, Advocate

..... for the Appellant

Mr. S.M. Obaidullah, Advocate
Mr. R.N. Majumdar, Advocate

.....for the IIT

Ms. Ashmita Chakraborty, Advocate

.....for the State

1. The appellant approached the writ-court challenging the appointment of the respondent no. 5 as Junior Assistant in the IIT, Kharagpur on the premise that he does not belonged to a Scheduled Tribe category and, therefore, his appointment to the said post should be cancelled.
2. The writ-court dismissed the said writ-petition as the certificate produced by the respondent no. 5 to the said Institute was issued by a competent authority and it is not a case that no such certificate was produced by the respondent no. 5 as contended before the Single Bench. However, the Single Bench was conscious of the fact that the validity of the said certificate cannot be decided as the Court cannot be used as tool as to act as an Investigating Agency. Liberty was granted to the appellant to approach the appropriate forum.
3. Learned Advocate appearing for the appellant vociferously submits that the Caste Certificates

issued by the authority were cancelled in respect of many such candidates and, therefore, as a fate accompli, the certificate relied upon by the respondent no. 5 should also be cancelled.

4. The IIT, Kharagpur who is represented before us, submits that the moment the petitioner raised an issue in this regard, the Institute made a communication with the authority who issued the said certificate in order to find out whether such certificate is genuine or not. It is informed by the said Officer that the said Certificate is genuine and issued by him.
5. As indicated hereinabove, whether a particular surname possessed by the respondent no. 5 denotes the person belonging to a Scheduled Tribe category or not can be decided by the competent authority. The competent authority has issued the certificate which is found to be genuine and, therefore, if subsequently the said authority has taken any decision, it would not be proper for this Court to usurp the power of the said authority being the fact finding authority.
6. Since the Single Bench has granted liberty to the appellant to approach the appropriate forum challenging the said certificate, we do not find any infirmity and/or illegality in the impugned order.
7. The appeal sans merit. The same being **MAT 153 of 2024** is **dismissed**.
8. The connected application being **CAN 1 of 2024** also stands **dismissed**.

(Harish Tandon, J.)

(Prasenjit Biswas, J)

