

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

MAT 331 of 2020

Kashem Ali Biswas

Vs.

Union of India and Ors.

For the appellant : Sk. Mujibar Rahman, Advocate

For the respondents : Mr. Brajesh Jha, Advocate

Heard & Judgment on : August 20, 2024

DEBANGSU BASAK, J.:-

1. IA No.: CAN 2 of 2024 is an application seeking recalling of the order of dismissal dated July 2, 2024.
2. For the ends of justice, the order of dismissal dated July 2, 2024 is recalled.
3. MAT 331 of 2020 along with IA No.:CAN 1 of 2021 are restored to its original file and number.
4. IA No.: CAN 2 of 2024 is disposed of accordingly.
5. IA No.: CAN 1 of 2021 is an application seeking condonation of delay in making and preferring the appeal.

6. Department records delay of 200 days.
7. For the ends of justice, the causes shown in the application for condonation of delay are accepted as sufficient.
8. Delay of 200 days in making and filing the appeal is condoned.
9. IA No.: CAN 1 of 2021 is allowed.
10. By consent of the parties, the appeal is taken up for hearing.
11. Appeal is directed against the judgment and order dated July 10, 2019 passed in WP. No. 27408(W) of 2012.
12. By the impugned judgment and order, the learned Single Judge found that, the certificate of Other Backward Classes (OBC) submitted by the writ petitioner at the time of the selection process was not genuine. Consequently, the learned Single Judge dismissed the writ petition.
13. Appeal is at the behest of the writ petitioner.
14. Learned Advocate appearing for the appellant submits that, the OBC certificate that was submitted by his client at the time of his engagement was not genuine. However, since his client worked for more than 13 years and that, the service record was unblemished, his services should not be terminated.
15. Respondents are represented.
16. Appellant participated in a selection process for the post of Constable (General Duty) in the Central Reserve Police Force in the reserved category as an OBC candidate. In order to substantiate his candidature in respect of such category of such post, appellant submitted a certificate claiming

himself to be OBC. Such certificate was subsequently found not to be genuine. Such finding is not established is perverse.

17. A disciplinary proceeding was initiated against the appellant for submission of OBC certificate which was not genuine whereupon the charges being established, his services was terminated.
18. Aggrieved by the decision in the disciplinary proceeding, the appellant challenged the same in the writ petition.
19. Since the appellant obtained an appointment on the basis of a document which is not genuine, his continuation with a disciplined force is inimical in public interest.
20. No breach of principles of natural justice is established in respect of his disciplinary proceeding. Decision taken therein cannot be said to be perverse. Quantum of punishment is in the domain of the employer.
21. In such circumstances, we find no merit in the present appeal.
22. **MAT 331 of 2020** is dismissed without any order as to costs.

(Debangsu Basak, J.)

23. I Agree.

(Md. Shabbar Rashidi, J.)