

WPA 10046 of 2017

**Mathura Chandra Bauri
Vs.
State of West Bengal & Ors.**

**Mr. Srikanta Datta,
Mr. Prodyut Kumar Ray.
... for the petitioner**

**Mr. Pantu Deb Roy, ld. A.G.P.,
Mr. Pannalall Bandopadhyay.
... for the State**

1. The writ petitioner is the second empanelled candidate, who is aggrieved about appointment of the respondent no. 9 being the first empanelled candidate. The ground of his grievance is with regard to the undue procedure adopted by the Appointing Authority, by considering, the respondent's eligibility, on the basis of an allegedly forged document (Transfer Certificate).
2. Mr. Srikanta Datta, learned counsel is appearing for the writ petitioner. He says that the Transfer Certificate produced by the writ petitioner during the process of recruitment is a forged document.
3. In support of his submission, he has relied on an annexed document to show that the respondent no. 9 in another occasion, in another case in this Court, has filed a "Transfer Certificate", dissimilar to that which was filed by her before the authorities, at the time of her appointment. Hence, her appointment is challenged in this case.
4. Mr. Srikanta Datta, learned counsel for the petitioner is further of the opinion that the Vigilance Enquiry

would be imperative in this case to unearth the mischief. A representation made by his client, to the Vigilance Commissioner, is referred to in this regard, which, he says, has not yet been acted upon by the same. He seeks an appropriate order in this case.

- 5.** Neither the respondent no. 9 nor the Vigilance Commissioner is represented in this case. The State respondent is represented.
- 6.** Mr. Pantu Deb Roy, learned Additional Government Pleader is representing the State. He is relying on the report submitted by the respondent no. 3 in the form of an affidavit.
- 7.** On the basis of the same, he submits that the respondent no. 3 has conducted an enquiry on the specific complaint lodged by the present petitioner to find out if the “Transfer Certificate” submitted by the respondent no. 9 at the time of recruitment, was a genuine one or not.
- 8.** The finding of the enquiry is that the “Transfer Certificate”, which is challenged in the present case on the allegation of being a false document, was however, a genuine one.
- 9.** Mr. Pantu Deb Roy, further submits that after examining the records, the District Inspector of Schools, Secondary Education, Birbhum duly authenticated the Transfer Certificate, which forms part of the credentials of the respondent no. 9 in the process of her appointment.
- 10.** Mr. Deb Roy, further submits that in absence of any tangible ground in this writ petition, the same is liable to be dismissed.

11. The dispute is with regard to the authenticity of the “Transfer Certificate” submitted by the respondent no. 9 before the authorities during the process of recruitment.
12. As a matter of fact, her credential as above, was accepted by the authority and being the first empanelled candidate, she was appointed.
13. The present petitioner earlier lodged complaint before the authorities as well as Vigilance Commissioner. The report in the form of an affidavit submitted by the respondent no. 3 duly disclosed about an enquiry, having been conducted on the basis of the complaint lodged by the petitioner as regards the authenticity of the document submitted by the respondent no. 9 in the recruitment process.
14. It is also divulged from the said report that the authenticity of the document cannot be doubted in view of the fact that the same is a genuine document.
15. Since no exception is being taken out to the said report by the petitioner and also that the petitioner being the unsuccessful candidate cannot now challenge the result of the recruitment process, this Court finds no merit in the writ petition in hand.
16. For the reasons as noted above, the writ petition being WPA No. 10046 of 2017 is dismissed.
17. Urgent Photostat certified copy of this order duly downloaded from the official website of this Court upon compliance all legal formalities.

(Rai Chattopadhyay, J.)