

05.08.2024

ML-20

(Dd)

MAT 713 of 2019
with
IA NO:CAN/1/2019(Old No:CAN/11512/2019)
With
CAN/2/2024

Gobinda Panigrahi
Vs.
Central Bank of India & Ors.

Mr. Samiran Mandal,
Mr. Abhinaba Dan,
Ms. Ankita Mukherjee, Advocates
... .. For the Appellant

Mr. Bishwambher Jha,
Mr. Harshwardhan Jha,
Ms. Munmum Mishra, Advocates
... .. For the Respondent Bank

1. Department reports a delay of 3 days in making and filing the appeal. For the ends of justice, application for condonation of delay is allowed on the basis of the averments made therein. Delay in making and filing the appeal is condoned. CAN 2 of 2024 is **allowed.**

2. Appeal is taken up for final hearing in presence of the learned advocates for the parties. Appeal is directed against the judgment an order dated April 12, 2019 passed in WP No. 19489(W) of 2018. By the impugned judgment and order, learned Single Judge dismissed the writ petition. Appellant as the writ petitioner challenged an order of dismissal from service as upheld by the Appellate Authority, in the writ

petition. Grounds canvassed both in the appeal and before us are that, appellant was not required to furnish any educational certificate in the selection process. Moreover, the punishment imposed was disproportionate with the charges established.

3. The records established that, the appellant was engaged as a casual worker on contractual basis by the Bank. There was a settlement between the management and the Bank and All India Central Bank Employees Federation to the effect that there would be one-time measure for the temporary/casual workers engaged by various branches. Such statement allowed a one-time measure for the purpose of regularizing the appointment of casual worker. Bank undertook such exercise. Appellant participated such selection process.

4. In such selection procedure, appellant submitted a Class-VIII certificate. Such educational qualification certificate was due to Bank calling upon the Principal of the school in which, the appellant claimed to studied up to Class VIII. Such school stated that the document was forged. Departmental proceeding was initiated as against the appellant which culminated into an order of dismissal. Appeal preferred by the appellant before the Appellate Authority was rejected. Thereafter, the appellant filed the writ petition which gave rise to the impugned judgment and order.

5. Learned Single Judge directed production of records by the respondent Bank. At the hearing of the writ petition learned Single Judge considered the documents so produced. Learned Single Judge found that the documents in dispute is transfer certificate issued by the Headmaster of the school in which, the appellant claimed that he studied till Class-VIII.

Learned Single Judge found from the records produced that, officials of the Bank visited the area and found no school by the name called "Golok Ballav High School". The local school in the area is named "Golok Ballav Nodal U P School" which is running upto standard seven. Such school is running since 1954 without any change in its name. The Bank authorities checked the admission register and found that the name of the appellant is not tallying with the school leaving certificate.

6. Upon perusal of such records, learned Single Judge did not find any error in the Disciplinary Authority imposing punishment of dismissal.

7. Recruitment of safai Karmachari cum sub staff and/or sub staff for which the appellant participated was initiated by the recruitment notice dated August 14, 2012. Serial No. 5 of such notice specifies educational qualification prescribed is minimum eighth standard pass or equivalent. Appellant does not possess the requisite educational qualification for consideration to such post. In any event, appellant produced a fake certificate.

8. Any of the two grounds is sufficient for the appellant to be dismissed from services.

9. In such circumstances, we find no merit in the present appeal.

10. MAT 713 of 2019 along with connected application are **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)