

DL-6

27.02.2025
Court No.26
(AD)

(Dismissed)

MAT 254 of 2023
With
IA No.: CAN 3 of 2025

Union of India & Ors.
Vs.
Bhaja Hari Mahato & Anr.

Mr. Pradip Kumar Das, Advocate
...for the appellants.

Mr. Sougata Mitra, Advocate
Mr. Nikhil Kumar Gupta, Advocate
... for the writ petitioner/respondent.

1. IA No.: CAN 3 of 2025 is an application for recalling the order dated January 31, 2025 dismissing the appeal as well as the connected applications.
2. It is stated in the application for restoration that, the appeal and the connected applications were not mentioned by the appellants and as such, learned Advocate could not keep track the matter when it was listed.
3. Writ petitioner is represented.
4. Considering such statements made in the application for restoration as well as in the interest of justice, we deem it appropriate to recall the order dated January 31, 2025 and restore the appeal along with the connected applications to their original file and number.
5. **IA No.: CAN 3 of 2025** is disposed of.
6. By consent of the parties, the appeal and the

connected applications are taken up for consideration.

7. IA No.: CAN 2 of 2023 is an application for condonation of delay in making and filing the appeal.
8. Department reports a delay of 37 days in making and filing the appeal.
9. For the ends of justice, delay in making and filing the appeal is condoned.
10. **IA No.: CAN 2 of 2023** is allowed.
11. IA No.: CAN 1 of 2023 is an application seeking appropriate orders in the appeal.
12. Appeal is at the behest of the Union of India and the Sainik School Society and its functionaries and directed against an order dated December 8, 2022 passed in W.P.A. 7489 of 2021.
13. By the impugned order, learned Single Judge considered appointment to the post of Group-D employee in the Sainik School, Purulia. Learned Single Judge cancelled the appointment of the first empanelled candidate, namely, the respondent no.6 in the writ petition due to fake certificates evidencing educational qualification as proof of qualification of such respondent no.6 in the writ petition.
14. Learned Single Judge directed consideration of appointment of the second empanelled candidate being the writ petitioner instead and place of the

cancelled employment, upon the writ petitioner fulfilling the necessary criteria.

15. As noted above, the appeal is at the behest of the Union of India and the Sainik School, Purulia and their functionaries.
16. No right of the appellants stand infringed by the impugned order. The person whose employment was set aside, is not before us. The appellants at best are employers. No right of there can be said to be violated by the impugned order. It is not the case of the appellants that the respondent no.6 in the writ petition did not produce fake educational certificates.
17. In such circumstances, we find no merit in the present appeal.
18. **MAT 254 of 2023** and **IA No.: CAN 1 of 2023** are **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)