

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction

Present :

The Hon'ble Chief Justice T. S. Sivagnanam

And

The Hon'ble Justice Chaitali Chatterjee (Das)

MAT/949/2025
PRANAB DAS
VS
INDIAN EMPLOYEES MUSEUM UNION AND ORS.
IA NO: CAN/1/2025

For the appellant :-

Mr. Tarunjyoti Tewari
Ms. Kausiki Bose

For the Respondent Nos.1 & 2:- Mr. Aditya Mondal

For the Respondent Nos.4 to 7:- Mr. Srijib Chakraborty
Mr. Arijit Bakshi

Mr. Soumya Mukherjee
Ms. Rupsa Sreemani

For the Union of India :- Mr. Sukanta Chakraborty
Mr. Tapan Bhanja

Heard on : 09.07.2025.

Judgment on : 09.07.2025.

T. S. SIVAGNANAM, CHIEF JUSTICE.:

1. This intra court appeal is directed against the order dated 23rd June, 2025 at the instance of the 6th respondent/private respondent in WPA 12749 of 2025.

2. The said writ petition was filed by two petitioners, namely, the first writ petitioner was a registered trade union of permanent employees who are working in the Indian Museum, who was the second respondent in the writ petition and the second writ petitioner was the Assistant Secretary of the first writ petitioner/trade union.

3. In the said writ petition they sought for a direction upon the authorities of the Indian Museum and other respondents to forthwith initiate disciplinary proceedings against the appellant herein who was impleaded as the 6th respondent in the writ petition. The sum and substance of the allegations made in the writ petition is that the appellant had produced a fake caste certificate claiming to be a Scheduled Caste employee and, therefore, action should be initiated against him.

4. The learned writ court by the impugned order has disposed of the writ petition by directing the Indian Museum authorities to issue necessary charge proceedings in accordance with law and following the procedures laid down in law within 48 hours from the date of the order i.e. 23.6.2025.

5. Challenging the said direction, the appellant has filed the present appeal.

6. We have heard the learned advocates for either of the parties.

7. Primarily three issues have been canvassed by the learned advocate appearing for the appellant. Firstly, that the appellant did not gain any benefit by virtue of the Scheduled Caste Certificate as he was appointed as a General Candidate as could be seen from the letter of appointment dated 14th June, 1989. Secondly, it is submitted that in the fag end of his career while he was about to retire direction has been issued to initiate charge proceedings against the appellant that too after a delay of nearly 12 years which remains unexplained. The third ground is that the action cannot be initiated by the Indian Museum authorities based upon a complaint or a direction issued in the writ petition at the instance of a third party who was got nothing to do with the employer – employee relationship between the appellant and the Indian Museum.

8. We take up the last issue first and in support of the argument the learned advocate for the appellant placed reliance on the decision of the Hon'ble Supreme Court in *Ranjit Prasad v. Union of India and Others* in (2000) 9 SCC 313. The writ petitioners, two in number, cannot be stated to be third parties as the first writ petitioner

is the registered trade union of all permanent employees who are working in the Indian Museum and they have a valid registration certificate under the provisions of the Trade Union Act, 1926 and the second writ petitioner is the Assistant Secretary of the registered trade union.

9. Therefore, the writ petitioners cannot be treated to be either busy bodies or third parties but being trade union consisting of all permanent employees of the Indian Museum would definitely have an interest in the well being of the institution where they are employed.

10. Therefore, such ground canvassed by the appellant cannot be countenance and the same stands rejected.

11. The facts in the case of *Ranjit Prasad* was entirely different. The said *Ranjit Prasad* who is practicing advocate in Patna who had challenged an order in a disciplinary proceedings initiated against an employee by his employer and the said advocate was neither a party either before the Central Administrative Tribunal or the State Administrative Tribunal.

12. In such circumstances, the court held that a mere busy body who has no interest cannot invoke the jurisdiction especially by way of a public interest litigation.

13. Therefore, the said decision is factually distinguishable.

14. The next ground raised by the appellant is that there has been a delay of nearly 12 years.

15. It has to be seen as to who is responsible for the delay and from the documents which have been filed by the Indian Museum authorities by way of a compilation it is seen that it is the appellant who had delayed the matter. In fact, the appellant on receiving the show cause notice dated 18.11.2015 submitted a reply in which he was admitted that he applied for a Caste Certificate to an Executive Magistrate and got the Certificate and he never had any doubt on the Certificate. Subsequently, another show cause notice was issued on 17.7.2018 for which the appellant sent a reply on 20.7.2018 informing the Director of the Indian Museum that a criminal case is pending in GR No.10808 of 2016 on the file of the Chief Metropolitan Magistrate and requested that the matter (show cause notice – office memorandum

dated 17.7.2018) may kindly be settled on the basis of the verdict of the Hon'ble Court.

16. Therefore, it is the appellant who was the responsible for dragging on the matter and no delay can be attributed to the Indian Museum authorities.

17. The next contention is that the appellant did not derive any benefit by virtue of the Caste Certificate which was obtained by him.

18. This ground has to be considered by taking into consideration the service record of the appellant.

19. From the service-book it is evidently clear that the appellant has declared himself as a Scheduled Caste candidate and the first page of the service-book also contains his signature which has been countersigned by the Museum Authorities.

20. Apart from that, the Certificate in proforma-C has been produced which shows that it is the Certificate to be produced by Scheduled Caste and Scheduled Tribe candidates applying for appointment to the post under the Government of India.

21. Therefore, for all practical purposes the appellant's representative himself would be belonged to a Scheduled Caste community.

22. Above all, the Caste Certificates are issued in order to alleviate the sufferings of the power and downtrodden who do not have sufficient means and often are denied equal opportunity. If a Certificate is found to be false, then it tantamounts to a crime against Society as a person who is not entitled for the benefits extended to a reserved community cannot be granted such a benefit.

23. Therefore, manner of appointment can hardly be a ground to state that the appellant should be absolved of the charge.

24. For all the reasons, we find no good ground to interfere with the order passed by the learned Single Bench.

25. Accordingly, the appeal fails and dismissed.

26. After the above judgment was dictated the learned advocate appearing for the appellant requested that the time for submitting reply to the charge-sheet may be extended.

27. The appellant shall submit the reply to the charge-sheet within 15 days from the date of receipt of the server copy of this order.

28. It is made clear that the above observations and findings have been rendered to uphold the decision of the learned Single Bench and this will not in any manner prejudice the rights of the appellant to defend the charge-sheet which has been issued in the departmental proceedings.

29. Original certified copy filed in court is kept on record.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

I agree.

(CHAITALI CHATTERJEE (DAS), J.)

Item No.19
gd/ssd