

25.11.2025
Item No.14
Ct. No.1
PG

WP.CT. 160 of 2025

**Gopal Sahani
Vs.
Union of India & Ors.**

Mr. M.A. Sardar
Mr. S. Hoque.....for the petitioner

Mr. Anil Kr. Gupta
Mr. Saurav Senguptafor the respondents

PER, SUJOY PAUL, ACJ. :

1. Parties are represented through their respective learned counsel.
2. Heard on admission.
3. This petition under Article 226/227 of the Constitution takes exception to the order of Central Administrative Tribunal dated 4.06.2025 passed in O.A. 350/00739/2023, whereby Original Application (OA) filed by applicant seeking compassionate appointment was rejected by the Court below.
4. The admitted facts are that petitioner's father was a breadwinner, who died in harness on 04.05.2021. The petitioner being son, submitted his candidature for compassionate appointment. One of the minimum essential qualifications is passing Madhyamik Parkisha (Secondary Examination). The applicant was required to submit a declaration — undertaking regarding the

genuineness of the documents submitted along with the candidature. The applicant did so and filed a declaration, which is reproduced by the tribunal in paragraph 11 of impugned order. The Railway administration, upon verification found that certificate and mark sheet found with the West Bengal Council of Rabindra Open Schooling informed that both the mark sheet and certificate along with admit card are fake. Since the documents were found to be fake and as per Railway Board guideline dated 27.03.2009, once a fake certificate is submitted by a candidate, he does not deserve a second chance and the candidature was rejected. This action became subject matter of challenge before tribunal.

5. Learned counsel for the petitioner submits that it was not inquired into as to who has obtained those fake certificates. The petitioner subsequently, passed Madhyamik Examination and therefore, tribunal was not justified in rejecting the OA.
6. Learned counsel for respondents supported the impugned order.
7. We have heard the parties at length. The tribunal has rejected the OA mainly based on a Supreme Court Judgement in the case of ***Union of India & Ors. Etc. vs. Prohlad Guha Etc. (2024) 8 SCR 8.*** Relevant portion reads as thus:

“The above discussion reiterates that fraud vitiates all proceedings. Compassionate appointment is granted to those persons whose families are left deeply troubled or destitute by the primary breadwinner either having been incapacitated or having passed away. So when persons seeking appointment on such ground attempt to falsely establish their eligibility, as has been done in this case, such positions cannot be allowed to be retained.”

8. The tribunal opined that petitioner has no indefeasible right to get compassionate appointment on the basis of fake certificates. In our opinion, the tribunal has rightly dismissed the original application. The compassionate appointment cannot be claimed as a matter of right. The person seeking compassionate appointment must approach the authority with candidature with clean hands, clean mind, clean heart and clean objective. A person, who tries to obtain appointment on fake certificates does not deserve any compassion or mercy. In this view of the matter, the case of petitioner is squarely covered by the judgment of Supreme Court in ***Prohlad Guha (supra)***.
9. The tribunal has not committed any error, which warrants interference by this Court. We were inclined to impose cost also but considering the fact that the petitioner is an unemployed youth, with reluctance, we decided not to impose cost.

10. The writ petition is dismissed.

11. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(SUJOY PAUL, ACJ.)

(PARTHA SARATHI SEN, J.)