

18.11.2025
Item Nos. 2 & 3
Ct. No. 1
PG

WP.C.T. 154 of 2015
Faizul Islam
Vs.
Union of India & Ors.
With
WP.C.T. 155 of 2015
Nuralam Sarkar
Vs.
Union of India & Ors.

Mr. P.S. Bhattacharya, Sr. Adv.
Mr. Shahan Shah
Mr. S. Ganguli
Mr. Raju Bhattacharyafor the Petitioners

Mr. Atarup Banerjee
Ms. Debjani Ghoshal.....for the respondents/
Union of India

PER, SUJOY PAUL, ACJ..:

1. Mr. Partha Sarathi Bhattacharyya, learned senior counsel appears on behalf of the petitioners. Mr. Banerjee, learned counsel appears on behalf of the respondents.
2. Heard learned counsel for the parties on admission.
3. Regard being had to the similitude of the questions involved, on the joint request of the parties, the matters are analogously heard and decided by this common order. Facts are taken from WP.CT. 154 of 2015.
4. This petition under Article 226/227 of the Constitution assails the order of Central Administrative Tribunal (for short 'Tribunal') dated 04.06.2015 passed in O.A. No. 1496 of

2013, whereby the application filed by petitioner under section 19 of Administrative Tribunals Act, 1985 challenging his termination order dated 18.06.2013 was dismissed.

5. The admitted facts between the parties are that the petitioner secured employment on the basis of a certificate issued by Board of Secondary Education, Madhya Bharat, Gwalior (MP) in 2012. The department came to know that the institution, which issued the certificate was de-recognised on 29.09.2011 and therefore the certificate, on the strength of which the applicant secured employment was not bringing him within the eligibility clause. The petitioner was accordingly, terminated from service.
6. The challenge is mounted to the termination order mainly on twin grounds. **Firstly**, the termination order entails civil consequences and could not have been passed without following the principles of natural justice. **Secondly**, the matter is covered by a judgment passed by this Court in **Writ A. No. 73146 of 2011 (Santosh Kumar vs. State of U.P. & Ors.)**.

7. Learned senior counsel for petitioners submits that the learned Tribunal erred in not applying the principles of natural justice and termination order was liable to be interfered with solely on the ground of not following the principle of *audi alteram partem*. **Secondly**, the judgment of **Santosh Kumar (supra)** was not followed by the Tribunal.
8. Learned counsel for department supported the order of the Tribunal.
9. The admitted fact in this matter is that the petitioner is claiming eligibility on the basis of a certificate issued by Board of Secondary Education in the year 2012. The judgment of **Santosh Kumar (supra)** reproduced in the impugned order shows that the Board of Secondary Education, Madhya Bharat, Gwalior stood de-recognised with effect from 29.09.2011. Admittedly, the petitioner secured certificate after the said date when institution/Board stood de-recognised. Thus, his certificate does not bear any stamp of validity after the said cut-off date.
10. So far question of not following principles of natural justice concerned, this is settled that if facts are admitted, it can be seen that by giving opportunity of hearing, the person

would not have been in a position to improve his case and in such event, doctrine of useless formality can be pressed into service.

11. Putting it differently, even if an opportunity of hearing would have been provided to the petitioner, he would not have been in a position to raise his eye brows on the date of receiving the certificate from Board of Secondary Education after such cut-off date. Thus, the impugned termination cannot be interfered with in view of doctrine of useless formalities.

12. In ***Santosh Kumar (supra)***, this Court clearly held persons, who have obtained education from those institutes in past cannot be disqualified by a prospective decision taken by Secretary, Secondary Education Board for de-recognising. In our opinion, this finding makes it clear that it is applicable to those candidates, who have obtained the qualification before the institution was de-recognised.

13. In the instant case, the petitioner received the certificate after the Board was de-recognised. For these cumulative reasons, we find no reason to interfere in the impugned order of the Tribunal dated 04.06.2015.

14. Thus admission is declined. The two writ petitions being WP.CT. 154 of 2015 and WP.CT. 155 of 2015 are dismissed.

15. 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.)