

Item No. – 20
17.03.2025
Rohan
Court No. 8

**In the High Court at Calcutta
Civil Appellate Jurisdiction
Appellate Side**

**MAT 1926 OF 2024
with
I.A. No.: CAN 1 of 2024**

**Amit Kumar Das
Versus
The State of West Bengal & Ors.**

**Mr. Bidyut Kr. Halder,
Mr. Indranil Halder.**

... for the appellant

**Mr. Suman Dey,
Mr. Tapan Kr. Roy.**

... for the State

1. Pursuant to the order dated 5th February, 2025, the report is submitted by the District Inspector of Schools (S.E.), Kolkata. Let the report be taken on record.
2. On the last occasion, it was pointed out to us that the Scheduled Caste and Scheduled Tribe Certificate issued in favour of the respondent No. 5 would indicate that the photographs appended to the said certificate was attested by somebody else and not the applicant himself.
3. The attention was drawn by the counsel for the appellant that in relation to the appellant, the photographs were self-attested and that creates a doubt on the genuinity of the certificate submitted by the respondent No. 5.
4. Precisely, for such reason, the report was called for which contained the memo dated 21st February, 2025

issued by the District Welfare Officer, Backward Classes Welfare, Kolkata, wherein, it is indicated that the Scheduled Caste certificate of the respondent No. 5 is found to be genuine having already uploaded on the official website. It is further pointed out that the manner of attesting the photographs is followed by the Additional District Magistrate, South 24-Parganas on 31st December, 1998, which would further be evident from the several other certificates issued on the same date by the same authority. As an exemplar, the copy of some of the certificates issued by the same authority on the said date is also brought before this Court.

5. After perusal of the report and the manner in which the photographs posted on the certificate is certified, we do not find that the certificate of the respondent No. 5 is ingenuine or manufactured one.
6. Mr. Halder prevaricated the stand the moment he realized that the first point which he urged on the last occasion does not hold water. According to him, the respondent No. 5 is a dead person and somebody impersonating him is discharging the duties. A counsel must owe the responsibility to the Court and should not take such a plea which is neither pleaded by his client nor any document in support thereof is brought to the notice of the Court by way of additional evidence. A litigant cannot be permitted to make out a case at the bar and such practice must be deprecated. There is no document forthcoming that the respondent No. 5 is dead and, therefore, we do not think that there is any semblance of truth in this regard.
7. The appeal being **MAT 1926 of 2024** and the application being **CAN 1 of 2024** are **dismissed** with a cost of Rs. 25,000/- to be deposited with the West

Bengal State Legal Services Authority within two weeks from date.

8. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

(HARISH TANDON, J.)

(OM NARAYAN RAI, J.)