

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 6680 of 2026

Abhishek Ranjan Tiwari, Male, Son of Surja Kant Tiwari, Resident of at
Railway Quarter No. 13/T (B), Raiganj Railway Colony, P.O. - Raiganj,
District- Uttar Dinajpur, West Bengal, Pin - 733134.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Railways, Govt. of India, Rail Bhawan, New Delhi - 110001.
2. The General Manager, North East Frontier Railway, Maligaon, Gauhati (Assam)-781011
3. The Divisional Railway Manager, North East Frontier Railway, Katihar-854105.
4. The Divisional Railway Manager (Personnel), Manager, North East Frontier Railway, Katihar-854105.
5. The Chief Personnel Officer, Manager, North East Frontier Railway, Katihar- 8541052.
6. The Assistant Personnel Officer/III, Manager, North East Frontier Railway, Katihar-854105.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prashant Sinha, Advocate
Mr. Amar Kumar Singh, Advocate
For the Union of India : Dr. Maurya Vijay Chandra, Advocate
Ms. Preety Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

and

HONOURABLE MR. JUSTICE RAJ KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

Date : 07-07-2026

The present writ petition has been filed challenging the
order dated 25.02.2026, passed by the learned Central
Administrative Tribunal, Patna Bench, Patna (hereinafter referred



to as the 'Ld. CAT') in O.A. No.050/00677 of 2023 whereby and whereunder the original application filed by the petitioner herein has been dismissed being devoid of any merit and it has been held that submission of forged certificate by the petitioner for obtaining government job disentitles the petitioner to be appointed in government service on compassionate ground.

2. The short facts of the case are that the father of the petitioner Late Sri. Surja Kant Tiwari died in harness on 20.06.2019 while working on the post of Chief Reservation Supervisor at Raiganj. The mother of the petitioner, immediately upon death of her husband in harness had filed an application on 12.07.2019 for grant of compassionate appointment to her son *i.e.* the petitioner herein, duly signed by both the mother and the son, wherein the matriculation certificate of the year 2007, senior secondary examination passing certificate of the year 2010 from CBSE and B.Com (Accountancy) Statement of Grades of Shridhar University, Pilani, Rajasthan of the year 2013 were enclosed, however upon verification of the B.Com (Accountancy) degree of the petitioner from the Shridhar University, it was informed by the Registrar, Shridhar University, Pilani, Rajasthan *vide* letter dated 20.08.2019 that the petitioner is not a student of the University and the documents which have been sent for verification are not



genuine. On the basis of the said information received from the Registrar, the respondents had rejected the claim of the petitioner for appointment on compassionate ground *vide* letter dated 16.09.2019 on the ground that the petitioner has enclosed fake B.A. pass certificate and had further stated therein that no further correspondence would be entertained as per extant rule.

3. The learned counsel for the petitioner has strenuously argued to convince us that it is not the fault of the petitioner that he had pursued B. Com (Accountancy) course from a fake study center and in fact he has been duped since despite spending a lot of money, he has been given a forged B. Com (Accountancy) degree. It is submitted that the said aspect of the matter was later on clarified by the mother of the petitioner *vide* letter dated 30.06.2022. The learned counsel for the petitioner has taken us through the public notice dated 20.10.2020 issued by the Joint Secretary, Education Department, Government of Rajasthan wherein the public at large has been informed that those private universities which are having study centers/of-campus centers/of-shore centers outside the campus of the concerned universities without the permission of the State government or the U.G.C. are not recognized, hence the students should thoroughly investigate and be satisfied before joining such private universities.



4. The learned counsel for the petitioner has further submitted that the petitioner/his mother had then requested the respondents to consider the case of the petitioner for appointment on compassionate ground on the basis of the matriculation and senior secondary examination certificates by ignoring the B.Com (Accountancy) degree, however the respondents *vide* letter dated 13.12.2022 had again rejected the case of the petitioner for grant of compassionate appointment by reiterating the earlier stand that the case of the petitioner has already stood rejected for submitting fake certificate and in fact the petitioner by submitting fake B.A. pass certificate has tried to cheat the Railway Administration.

5. *Per contra*, the learned counsel for the respondents has submitted that upon the respondents having inquired from the Shridhar University with regard to the genuineness of the B.Com (Accountancy) degree of the petitioner, the Registrar, Shridhar University, Pilani, Rajasthan *vide* letter dated 20.08.2019 had written to the Divisional Railway Manager (P), Railways, Katihar, informing that the petitioner was never a student of the institution and the documents attached pertaining to his educational qualification are not genuine.

6. Thus the learned counsel for the respondents has submitted that in light of submission of fake graduation certificates by the



petitioner, the respondents had rejected the case of the petitioner for grant of compassionate appointment by observing that since the petitioner has enclosed fake B.A. pass certificate, the case of the petitioner for grant of compassionate appointment has been rejected by the competent authority. The learned counsel for the respondents has next referred to a letter dated 25.09.2017 with regard to the clarification issued by the Northeast Frontier Railway pertaining to the cases of compassionate appointment where fake certificates are submitted, relevant portion whereof is reproduced herein below:-

“In reference to above, this is to inform that divisions and workshops receive CGA cases with fake education qualification & caste certificates and the cases are rejected accordingly. Most of these rejected cases are again represented by family members/dependents of ex-employee with request to consider CGA to another member of the family (other than the candidate whose CGA application has already been rejected for submitting fake certificate). The application of any member/dependent of ex-employee for CGA is not to be considered if such cases have already been rejected for submitting fake certificates. Submission of fake/false certificate amounts to concealment of facts and misleading the Railway Administration, and the defaulting applicants may be dealt accordingly.

This issues with the approval of CPO.”

Thus, it is submitted that since the petitioner had submitted fake B.A./B.com pass certificate and tried to cheat the Railway



Administration, the case of the petitioner for grant of compassionate appointment has been rejected.

7. The learned counsel for the respondents has further raised the issue of delay in approaching the Courts and has submitted that it is a well settled law that the object of the scheme of compassionate employment is to enable the bereaved family to tide over the immediate financial crisis, which it faces on account of sudden death of the breadwinner and the same cannot be granted after a lapse of a reasonable period.

8. We have heard the learned counsel for the parties and perused the materials on record from which we find that the facts lie in a narrow encompass, inasmuch as the father of the petitioner died in harness on 20.06.2019, whereafter the mother of the petitioner had applied for grant of compassionate appointment to her son *i.e.* the petitioner herein on 12.07.2019, however upon verification of the graduation degree of the petitioner from Shridhar University, it was found that the same was not genuine, hence the case of the petitioner for grant of compassionate appointment was rejected *vide* letter dated 16.09.2019.

9. We find that the respondents have clearly stipulated in their Circular/Letter dated 25.09.2017 that submission of fake/false certificate amounts to concealment of facts and misleading the



Railway Administration, hence the case of compassionate appointment of such applicants are not required to be considered specially if applications are filed again and again and all such applications are required to be dealt accordingly. Upon perusal of the impugned order dated 25.02.2026, we find that the Ld. CAT has come to a finding that submission of forged certificate for obtaining a government job disentitles the applicant to be appointed in government service on compassionate ground.

10. We cannot differ with the aforesaid findings arrived at by the Ld. CAT inasmuch as it is a most fundamental principle that no appointment can be obtained on the basis of false/fake certificate. It may be that the applicant/the petitioner might be eligible without the graduation degree merely on the basis of the matriculation and senior secondary examination certificate, however the factum of submission of forged certificate cannot be lost sight of. The question is about the credibility of such an applicant who at the initial stage, i.e. while applying for compassionate appointment has not disclosed rather suppressed material fact of submission of forged certificate. Such concealment strikes at the core of the trust reposed in a candidate for public service, where honesty and transparency are indispensable attributes and justify a far stricter view by the authorities.



11. Yet another issue which we find to be relevant in the present case is that though the father of the petitioner died in harness on 20.06.2019 and the case of the petitioner for compassionate appointment was rejected on 16.09.2019, however he approached the Ld. CAT only in the year 2023 *i.e.* after lapse of almost about four years. It is a well settled law that the object of providing compassionate appointment is to enable the family to tide over the immediate financial crisis which arises at the time of death of the sole breadwinner, hence compassionate employment cannot be granted after a lapse of time and after crisis is over. In this regard, we may refer to the celebrated judgment rendered by the Hon'ble Supreme Court in the case of ***Umesh Kumar Nagpal vs. State of Haryana and Others***, reported in (1994) 4 SCC 138, Paragraph Nos.6 and 7 whereof are reproduced herein below:-

“6. For these very reasons, the compassionate employment cannot be granted after a lapse of a reasonable period which must be specified in the rules. The consideration for such employment is not a vested right which can be exercised at any time in future. The object being to enable the family to get over the financial crisis which it faces at the time of the death of the sole breadwinner, the compassionate employment cannot be claimed and offered whatever the lapse of time and after the crisis is over.

7. It is needless to emphasis that the provisions for compassionate employment have necessarily to be made by the



rules or by the executive instructions issued by the Government or the public authority concerned. The employment cannot be offered by an individual functionary on an ad hoc basis.”

12. At this juncture, it would be apt to refer to yet another judgment rendered by the Hon’ble Apex Court in the case of ***Central Coalfields Limited and Others vs Parden Oraon***, reported in **2021 SCC Online SC 299**, Paragraph Nos. 8 and 9 whereof are reproduced herein below:-

“8. The whole object of granting compassionate appointment is to enable the family to tide over the sudden crisis which arises due to the death of the sole breadwinner. The mere death of an employee in harness does not entitle his family to such source of livelihood. The authority concerned has to examine the financial condition of the family of the deceased, and it is only if it is satisfied that but for the provision of employment, the family will not be able to meet the crisis that the job is offered to the eligible member of the family. It was further asseverated in the said judgment that compassionate employment cannot be granted after a lapse of reasonable period as the consideration of such employment is not a vested right which can be exercised at any time in the future. It was further held that the object of compassionate appointment is to enable the family to get over the financial crisis that it faces at the time of the death of sole breadwinner, compassionate appointment cannot be claimed or offered after a significant lapse of time and after the crisis is over.

9. We are in agreement with the High Court that the reasons given by the employer for denying compassionate appointment



to the Respondent's son are not justified. There is no bar in the National Coal Wage Agreement for appointment of the son of an employee who has suffered civil death. In addition, merely because the respondent is working, her son cannot be denied compassionate appointment as per the relevant clauses of the National Coal Wage Agreement. However, the Respondent's husband is missing since 2002. Two sons of the Respondent who are the dependents of her husband as per the records, are also shown as dependents of the Respondent. It cannot be said that there was any financial crisis created immediately after Respondent's husband went missing in view of the employment of the Respondent. Though the reasons given by the employer to deny the relief sought by the Respondent are not sustainable, we are convinced that the Respondent's son cannot be given compassionate appointment at this point of time. The application for compassionate appointment of the son was filed by the Respondent in the year 2013 which is more than 10 years after the Respondent's husband had gone missing. As the object of compassionate appointment is for providing immediate succour to the family of a deceased employee, the Respondent's son is not entitled for compassionate appointment after the passage of a long period of time since his father has gone missing.

13. Therefore, considering the object of the scheme of compassionate employment, which is to enable the bereaved family to tide over the immediate financial crisis, which it faces on account of sudden death of the breadwinner, no relief can be granted to the petitioner at this juncture, inasmuch as compassionate employment is neither a vested right nor an



alternate mode of employment. We find that now about seven years have lapsed since the death of the father of the petitioner, hence now, at this stage, it is very late to seek compassionate appointment.

14. Before parting we may refer to a maxim - ‘*juda lex sed lex*’ which means that the law may be harsh, but the law is law.

15. Having regard to the facts and circumstances of the case and for the foregoing reasons, we do not find any error in the impugned order dated 25.02.2026 passed by the Ld. CAT in O.A. No.050/00677 of 2023, hence the present writ petition stands dismissed being bereft of any merit.

(Mohit Kumar Shah, J)

(Raj Kumar, J)

GAURAV S./-

AFR/NAFR	AFR
CAV DATE	
Uploading Date	17.07.2026
Transmission Date	

