

Form No. J.(2)
Item No. 56
Court No. 1
PG

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

HEARD ON: 08.01.2026
DELIVERED ON: 08.01.2026

**CORAM:
THE HON'BLE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HON'BLE JUSTICE PARTHA SARATHI SEN**

WP.CT. 13 of 2024

Urmila Das

Versus

**Union of India through the General Manager,
Eastern Railway & Ors.**

Appearance:-

Mr. Shibaji Kr. Das

Mr. Dipendu Sarkar

Ms. Deblina De

.....for the Petitioner

Mr. Anil Kr. Gupta

Ms. Amrita Pandey

Ms. Anamika Pandey

Ms. Ayushi Mishra

Ms. Sneha Singh

.....for the Union of India

JUDGEMENT (ORAL):

PARTHA SARATHI SEN, J.: -

1. In this petition, as filed under Article 226/227 of the Constitution of India, the Judgment and order dated 17.10.2022 as passed by the Central Administrative Tribunal, Kolkata Bench, Kolkata (hereinafter referred to as the 'said tribunal' in short) in OA No. 350/01813/2015 is assailed.

2. By the impugned judgment and order, the said tribunal declined to interfere with the speaking order dated 20.07.2015 passed by the Senior Divisional Personnel Officer, Eastern Railway/Howrah, whereby and whereunder writ petitioner's prayer for appointment on compassionate ground was not considered favourably.
3. At the time of hearing, learned counsel appearing on behalf of the writ petitioner/original applicant at the very outset draws our attention to the order passed by the Judicial Member of the said tribunal dated 07.01.2019. It is submitted that on perusal of the order as passed by the Judicial Member, it would reveal that the said Judicial Member noticed that the original applicant before the tribunal had acquired requisite qualification in the meantime and accordingly, directed the respondent authorities to dispose of the representation for compassionate appointment, as submitted by the original applicant taking into consideration the Matriculation certificate, as submitted by her subsequently and to pass a reasoned order thereafter.
4. It is further submitted on behalf of the writ petitioner/original applicant that the Administrative Member of the said tribunal however, taken a contrary view and passed a dissenting judgment. It is submitted that the Administrative Member of the said tribunal under cover of his judgment and order dated 07.01.2019 placed reliance upon a circular dated 27.03.2009 (hereinafter referred to as the 'said circular') and came to a finding that the said circular postulates that once a fake certificate is submitted, no second chance would be given. It is argued that based on

such finding, Administrative Member of the said tribunal declined to grant relief to the original applicant.

5. Drawing attention to the judgment and order dated 17.10.2022 passed by a third Member (Judicial Member) of the said tribunal, it is submitted that by the said judgment and order dated 17.10.2022, the third Member not only reposed his reliance upon the said circular but also came to a finding that since the original applicant is getting family pension on account of death of his parents, the original applicant is not entitled to the reliefs, as prayed for before the said tribunal.
6. At the time of hearing, learned counsel for the writ petitioner once again draws our attention to the copy of the speaking order, as has been annexed to the instant writ petition at pages 37 and 38. It is submitted that from the speaking order, it would reveal that the Senior Divisional Personnel Officer, Eastern Railway/Howrah came to a finding based on the response of the Headmaster of Dharamadanga High School to the effect that in the relevant session 1991-1992, there was no student by the name of the original applicant. It is argued that in the said speaking order, it has nowhere been stated that the Headmaster of the said school had stated it categorically that the transfer certificate, as has been placed by the original applicant before the authority is fake. It is, thus, submitted that the Administrative Member as well as the third Judicial Member of the said tribunal failed to visualise the true implication of the version of Headmaster of the said school.
7. It is further argued that in the event the version of the Headmaster of the said school is considered in its true and proper perspective, there cannot be

any occasion to hold that the transfer certificate, as has been issued by the said school is not genuine.

8. It is thus, submitted that on account of such misinterpretation, serious miscarriage of justice occurred, which the two Members of the said tribunal failed to visualise; rather, they have been persuaded with materials, which are not at all relevant for the purpose of adjudication of the real dispute. It is thus, submitted this is a fit case for allowing the instant writ petition by setting aside the findings of the Administrative Member of the tribunal as well as the findings of the third Member (Judicial) of the said tribunal.
9. Learned advocate appearing on behalf of the respondent authorities however, contended that the two Members of the said tribunal rightly visualised the true meaning and implication of the version of the Headmaster of the said school, as has been quoted in the speaking order dated 20.07.2015. It is argued that since during inquiry, it was found that the incumbent was not a student of the said school in the relevant session 1991-1992, the corollary conclusion comes that the transfer certificate as claimed to have been issued by the said school is not genuine.
10. It is thus, submitted that in absence of any glaring illegality and/or perversity, there is hardly any scope to interfere with the orders impugned.
11. We have meticulously gone through the materials, as has been placed before us. We have given our due consideration over the submissions of the learned advocates for the contending parties.
12. For effective adjudication of the instant lis, we, at the very outset, propose to look to the circular, which is quoted in internal page-3 of the judgment

and order dated 07.01.2019 as passed by the Judicial Member of the said tribunal and the same is reproduced hereinbelow in verbatim:

“Sub: Appointment on compassionate grounds-Fake School Certificate

Of let it has been observed that some cases, at the time of submission of application for appointment on compassionate grounds 1st time for 1st child or other child or others with fake school certificates and same detected during enquiry then the widow applied for 2nd child or 2nd time feigning ignorance. This only encourages the spirit of taking chances of submitting fraud certificate and escaping with it, if luck be. Accordingly, a written clarification may be obtained from the party concerned at the time of payment of settlement dues or at the time of enquiry by the WI/PI through a written letter that if the documents submitted are found fake afterwards then no second chance will be given and said letter/undertaking may also be kept record in file.

In view of the above, competent authority has also decided that if once a fake certificate is submitted, no second chance will be given.”

13. On careful perusal of the contents of the said circular, it reveals to us that the said circular clearly indicates that once a fake certificate is submitted, no second chance will be given.
14. At the time of hearing, on being asked by us, learned advocate for the writ petitioner candidly admitted that the said circular is not under challenge.
15. In the backdrop of the aforementioned situation, if we look to the speaking order dated 20.07.2015, as has been challenged before the said tribunal, it reveals that Senior Divisional Personnel Officer, Eastern Railway/Howrah came to a factual finding in course of inquiry from the Headmaster of Dharamadanga High School, Post-Bewa in the relevant session 1991-1992, there was no student by the name of the writ petitioner in the record of the school. Based on such information, the said authority came to a factual

finding that the transfer certificate for the Class –VIII, as has been submitted by the original applicant must be fake.

16. In our considered view, the tribunal, more specifically one of its Administrative Member and Judicial Member taking note of such factual finding in the perspective of the said circular came to a logical finding with regard to ingenuity of the said transfer certificate.
17. It is settled principle of law that sitting in a judicial review, we are not supposed to act like an appellate court and therefore, we are not duty bound to re-appreciate the evidence, as has been collected in course of inquiry. It is equally settled principle of law that sitting in a judicial review, we cannot take a contrary view simply because another view is possible.
18. In our considered view, the views taken by the Administrative Member as well as another Judicial Member while disposing the said original application are quite plausible one and in absence of any glaring illegality and/or perversity, there is hardly any scope to interfere with the factual finding, as has been arrived by the authority or under cover of its speaking order dated 20.07.2015.
19. Thus, we find no merit in the instant writ petition. The instant writ petition is **dismissed**.

I agree.

(SUJOY PAUL, ACJ.)

(PARTHA SARATHI SEN, J.)