

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH  
KOLKATA



OA. 350/00260/2015

Date of Order: 23.02.2016

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member

Raj Kumari Devi & Anr.  
Vs.  
Union of India & Ors. (E. Rly.)

For the Applicant : Mr. B. Chatterjee, Counsel

For the Respondents : Mr. SK Das, Counsel

ORDER

Per Ms. Bidisha Banerjee, JM:-

This matter is taken up in Single Bench in terms of Appendix VIII of Rule 154 of CAT Rules of Practice, as no complicated question of law is involved, and with the consent of both sides.

2. Heard both.
3. The applicant is aggrieved as his employment assistance on compassionate ground has been turned down on the ground that he produced a fake certificate. The impugned order is extracted verbatim below for clarity:

"No. DSC/4/Comp/06/2012/Gr.C

Asansol, dated 16.07.2013.

Sri Dronacharya Swarnakar,  
S/o. Late Ganesh Prasad Swarnakar  
Ex. M. V. Driver/Sr. DEE/G/ASN  
Railway Qr. No. 420/A, Leo Colony, Asansol,  
Asansol, Dist- Burdwan(WB)  
Pin- 713301

Sub: Appointment on compassionate ground in f/o Sri Dronacharya Swarnakar, S/o. Late Ganesh Prasad Swarnakar, Ex. M. V. Driver Sr. DEE/G/ASN.

Ref: Your appeal dated 06.04.2012

You have made earlier an application for consideration of your appointment on compassionate ground in group 'C' category. In support of your date of birth and educational qualification, you have submitted photocopies of school certificate of High School Examination pass issued by Central Board of Higher Education, Vachaspati Bhawan, Uttam Nagar, New Delhi.

But as per letter issued by Section Officer (COORT) Central Board of Secondary Education, Siksha Kendra, 2, Community Centre, Priti Bihar, Delhi bearing No. COORD/SO/F/25/2006/4117 dated 23.02.07 and letter No. 9455-520/C&T, AC-VI dated 04.04.2000 issued by Commissioner of Police, Delhi it revealed that Central Board of Higher Education, Vachaspati Bhawan, Uttam Nagar, New Delhi is not a recognized Board but a fake one. Hence your aforesaid educational qualification certificate could not be taken into consideration as valid school certificate and you were intimated suitably vide this office letter of even no. dated 27.03.2012.

Subsequently you have submitted another application dated 06.04.2012 enclosing photocopy of marks sheet of Madhyamik Examination (Compartmental) issued by West Bengal Board of Secondary Education for consideration of your appointment on compassionate ground in group D category.

But as per instructions contained in CPO/ER's letter No. CPO/SC/SA/Pol/Pt.X (Corrsp) dated 27.03.2009, if once a fake certificate is submitted no further chance will be given.

Under the above circumstances, your request for consideration of compassionate appointment is not coming under the purview of extant rules and hence it is regretted by the competent authority (DRM/ASN).

Sr. Divl. Personnel Officer  
Eastern Railway, Asansol."

4. Learned counsel for applicant would argue that the certificate submitted by the applicant was not a fake one only that it was not from a recognized institute. Yet the application dated 06.04.2012 enclosing a valid mark sheet of Madhyamik Examination issued by West Bengal Board of Secondary Education was not considered on the ground that once a fake certificate was submitted no further chance could be given, which stand was highly illegal and opposed to public policy. A person who had cleared Madhyamik Examination from a recognized Board was denied entry as the school he studied in was not a recognized one.

5. In my considered opinion, the reason advanced by the respondents to reject the claim was ridiculous. The authorities ought to have considered the mark sheet issued by West Bengal Board of Secondary Education having probative value both in regard to educational qualification and also date of birth. It could be noted that the findings in regard to the certificate issued by Central Board of Higher Education, Vachaspati Bhawan, Uttam Nagar, New Delhi is not substantiated by way of any report from the appropriate authorities. Further, it could be noted that the School Authorities of Asansol

Joharmull Jalan Institution have certified that as per the school records the date of birth of the applicant was 17.09.1981, duly corroborating the entries in the admit card issued by West Bengal Board of Secondary Education in favour of the applicant wherein the

Roll No. and Registration No. and date of birth read as under:

"ROLL 0591 NO. 0692  
 Registration No. 8121-01133 of 97-98 (IX)"  
 Date of Birth is SEVENTEENTH day of SEPTEMBER  
 nineteen hundred and EIGHTY ONE."

6. In such view of the matter, the impugned order is quashed and the matter is remanded back to the authorities to consider the matter afresh in terms of the certificate issued by the West Bengal Board of Secondary Education, untrammelled by their earlier rejection.

7. Let appropriate orders be issued within three months from the date of communication of this order.

8. OA accordingly would stand dispose of. No costs.

(Bidisha Banerjee)  
 Member (J)

pd