



GAHC010141702022

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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/4718/2022

MADHAB DEY

S/O- LATE MONI DEY, VILL.- ARENGABAD, P.O. CHAR GOCA BAZAR, P.S.
BADARPUR, DIST. KARIMGANJ, ASSAM, PIN- 788710.

VERSUS

THE UNION OF INDIA AND 8 ORS

TO BE REPRESENTED BY THE DEPARTMENT OF HOME AFFAIRS, NEW
DELHI, PIN- 110001.

2:THE COMMANDANT

CHAIRMAN DOSSIER SECURITY BOARD CISF GROUP HQRS
GUWAHATI
PIN- 781001.

3:THE SENIOR COMMANDANT
CISF

RTC
BHILLAI
CHATTISGARH
PIN- 490001.

4:THE IG
CISF
CS HQRS
BHILLAI
CHATTISGARH
PIN- 490001.

5:THE AIG/TRG.



CISF HQRS
NEW DELHI
PIN- 110001.

6:DEPUTY INSPECTOR GENERAL CISF BHILLAI
DURG

CHHATISGARH
PIN- 490001.

7:THE REGISTRAR
KUMAR BHASKAR VARMA SANSKRIT AND ANCIENT STUDIES
UNIVERSITY
NAMATI
DIST. NALBARI
ASSAM
PIN- 781367.

8:THE COMMON AND SECRETARY
TO THE GOVT. OF ASSAM HIGHER EDUCATION
ASSAM
PIN- 781021.

9:THE DEPUTY DIRECTOR
FOR SANSKRIT EDUCATION
ASSAM
KAHILIPARA
GUWAHATI
PIN- 781019

Advocate for the Petitioner : MR. A M BARBHUIYA

Advocate for the Respondent : ASSTT.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

Date of hearing : 26.06.2023.

Date of judgment : 26.06.2023.



JUDGMENT & ORDER (Oral)

Heard Mr. A. M. Barbhuiya, learned counsel appearing for the writ petitioner. Also heard Mr. A. K. Dutta, learned Central Government Counsel (CGC) appearing for the respondent Nos.1 to 6. Mr. R. Mazumdar, learned counsel has appeared for the respondent No.7.

2. The petitioner herein had passed Hindi Pravesika Examination in the year 2013 in 2nd Division and thereafter, he had cleared his Higher Secondary School Leave Certificate (HSSLC) Examination under the Assam Higher Secondary Education Council, Guwahati. The Hindi Pravesika Examination is treated as equivalent to High School Leaving Certificate (HSLC) or matriculation examination. Based on his above qualification, the petitioner had submitted his application for selection and appointment as Constable/GD in the Central Industrial Security Force (CISF) on the basis of recruitment process conducted by the Staff Selection Commission of India. Pursuant to the aforesaid process, the petitioner emerged as a successful candidate and he was accordingly issued appointment order dated 01.07.2021. Pursuant thereto, the petitioner had joined as a Constable at the RTC, Bhilai, Chhattisgarh on 09.07.2021. While the petitioner was undergoing his two years training programme, the authorities had made an enquiry so as to verify the educational qualifications of the petitioner including his qualification of having passed Hindi Pravesika Examination. Initially, the enquiry was sent to the Deputy Director, Sanskrit Education, Assam but since the matter was under the jurisdiction of the Assam Sanskrit Board, the communication was re-routed on 28.06.2021 by the Group Commandant, Chairman,

Dossier Scrutiny Board for recruitment of Constable (GD). The Assam Sanskrit Board had replied that it was no longer in existence and upon its reconstitution, all its records had been transferred to the Kumar Bhaskar Verma Sanskrit and Ancient Studies University, Nalbari. Upon receipt of such information, an enquiry was made with the Kumar Bhaskar Verma Sanskrit and Ancient Studies University, Nalbari represented by the respondent No.7 herein. Upon such enquiry, a communication dated 29.09.2021 was sent by the respondent No.7 to the Chairman of the CISF Group Headquarter, Guwahati informing him that the petitioner had failed in Hindi Pravesika Examination, 2013 and therefore, the marks sheet and certificate submitted by him were fake since a genuine certificate would not declare a failed candidate as passed in 2nd Division.

3. Taking note of the communication dated 29.09.2021 issued by the respondent No.7, the authorities had issued the impugned order of termination dated 06.11.2021 by invoking powers under Rules 25 and 26 of the CISF Rules, 2001 thereby terminating the services of the petitioner by giving him one month's salary in lieu of one month's notice. In this manner, the petitioner had to lose his job due to the communication dated 29.09.2021 issued by the respondent No.7.

4. Undeterred by the aforesaid developments, the petitioner had apparently once again approached the respondent No.7 through the Deputy Director, Assam Sanskrit Board seeking a fresh report. It was on this occasion that the matter was re-verified whereafter, it was found that the petitioner had actually passed the Hindi Pravesika Examination in 2nd Division as claimed by him and therefore, the projection

made in the communication dated 29.09.2021 was incorrect. Having detected the aforesaid anomaly, the respondent No.7 has filed affidavit-in-opposition dated 23.06.2023 disclosing the above facts. The averments made in paragraph 6 of the affidavit would be relevant for the purpose of this case and therefore, is being reproduced herein below for ready reference :-

“6. That the deponent begs to state that, again on 06.04.2022 the office of the deponent received another letter vide letter No.SE/VEC/10/Part-1/2019/766 dated 10/02/2022 from the Deputy Director for Sanskrit Education Assam regarding verification of the same candidate along with the report of the Pradhan Adhyapak. This time the letter enclosed with all documents of the candidate i.e. Mark-Sheet, Admit, Pass Certificate, Registration etc. and it was informed to the University that the candidate has passed in Re-evaluation. After verification in the Re-evaluation Tabulation Sheet, the office of the deponent declared that the candidate passed out in Re-evaluation and communicated the same to the Deputy Director, Sanskrit Education Assam on 10/07/2022 vide letter No.KBVS & ASU/TS/Cert/2018/127/P-5/349 dated 10/06/2022 mentioning that the candidate is declared Pass.

In this context, it is pertinent to mention herein that due to unsystematic keeping of records supplied by the erstwhile Assam Sanskrit Board, no indication has been found about existence of register for the re-examination and as such, the letter No.KBVS & ASU/TS/Cert/2018/127/P-5/349 dated 10/06/2022, stands unchanged.”

5. From the above statements made in the affidavit filed by the respondent No.7, it is crystal clear that the petitioner had, in fact, passed his Hindi Pravesika Examination in 2nd Division in the year 2013. However, for no fault of his own, a wrong communication was issued by the respondent No.7, for which the petitioner had to

lose his job. From the above, it appears that the respondent No.7 had adopted a casual approach in such an important matter thereby causing serious prejudice to the petitioner. So as to defend his client's interest in the matter, Mr. Mazumdar, however, submits that after the reconstitution of the Assam Sanskrit Board and the creation of the Kumar Bhaskar Verma Sanskrit and Ancient Studies University, Nalbari there were lot of anomalies in maintenance of records as well as transmission of records which had resulted in the aforesaid unintentional error. However, on a re-evaluation, the respondent No.7 had detected the mistake and it was promptly communicated to the concerned authorities.

6. Be that as it may, the fact of the matter is that but for the communication dated 29.09.2021, there was no other ground for the respondents to issue the order of termination dated 06.11.2021. Mr. Dutta, learned CGC has also submitted that after the affidavit was filed by the respondent No.7, the matter has become clear and now it is evident that the petitioner's service was terminated on an erroneous communication received from the respondent No.7. If that be so, this Court is of the opinion that this is a fit case where the order of termination of the petitioner from service dated 06.11.2021 deserves to be set aside with a direction to immediately reinstate the petitioner back in service.

Ordered accordingly.

The impugned order of termination dated 06.11.2021 stands set aside. The respondent Nos.1 to 6 are directed to take necessary steps for reinstatement of the petitioner back in service with consequential service benefits as may be permissible



under the law including notional seniority and continuity in service. The order of this Court be complied with within three weeks from the date of receipt of a certified copy of this order.

The petitioner would also be at liberty to avail any other legal remedy as may be permissible under the law, if so advised, for redressal of his grievance, if any, against the respondent No.7.

With the above observation, the writ petition stands allowed.

Parties to bear their own cost.

JUDGE

T U Choudhury/Sr.PS

Comparing Assistant