

GAHC010202422022



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

Case No. : WP(C)/6589/2022

AMIT DAS
S/O- SHRI NUPUR DAS,
R/O- MISSION PARA, TINSUKIA,
P.O., P.S. AND DIST.- TINSUKIA,
ASSAM- 786125.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP. BY ITS SECRETARY,
REVENUE AND DM (LR) DEPARTMENT,
DISPUR, GUWAHATI- 781006,
ASSAM.

2:THE ADDITIONAL DEPUTY COMMISSIONER
I/C SADIYA SUB-DIVISION

SUB-DIVISIONAL OFFICE(CIVIL)

SADIYA
CHAPAKHOWA

TINSUKIA
ASSAM- 786125.

3:THE CIRCLE OFFICER
SADIYA REVENUE CIRCLE
TINSUKIA
ASSAM- 786157.

4:THE SUB-DIVISIONAL SCHEDULE CASTE DEVELOPMENT BOARD
REP. BY ITS CHAIRMAN

SUB-DIVISIONAL SCHEDULE CASTE DEVELOPMENT BOARD

SADIYA
TINSUKIA

ASSAM- 786157.

5:THE OIL INDIA LIMITED
HAVING ITS REGISTERED OFFICE AT DULIAJAN
IN THE DISTRICT OF DIBRUGARH
ASSAM- 786602
REPRESENTED BY THE RESIDENT CHIEF EXECUTIVE
OIL INDIA LIMITED
DULIAJAN
DIBRUGARH
ASSAM.

6:THE GENERAL MANAGER
HR ACQUISITIONS DEPARTMENT
OIL INDIA LIMITED
DULIAJAN
DIBRUGARH
ASSAM.

7:THE CHIEF MANAGER
HR ACQUISITIONS DEPARTMENT
OIL INDIA LIMITED
DULIAJAN
DIBRUGARH
ASSAM

Advocate for the Petitioner : MR G N SAHEWALLA, MS K BHATTACHARYYA,MR H K SARMA,MS. S. TODI,MR M SAHEWALLA,MD ASLAM

Advocate for the Respondent : GA, ASSAM, MR. LENTSO (R-5,6,7),MR. M HUSSAIN (R-5,6,7),MR. K KALITA (R-5,6,7),MR. A SARMA (R-5,6,7),MS. S DUTTA, SC, REVENUE & DISASTER MANAGEMENT DEPTT.,MS S BARUAH, GA, ASSAM (R-2 & 3),SC, O I L

**BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE**

JUDGMENT

Date : 11-04-2025

Heard Mr. G.N. Sahewalla, learned senior counsel assisted by Mr. H.K. Sarma, learned counsel for the petitioner. Also heard Mr. S. Dutta, learned standing counsel, Revenue Department for the respondent No.1, Ms. A. Talukdar, learned counsel for the respondents No. 2, 3 & 4 and Mr. A. Sarma, learned counsel for the respondents No. 5, 6 and 7.

2. Challenge made in this petition is to the termination letter dated 23.06.2022 issued by the GM (HR Acquisitions) Officiating for Resident Chief Executive, Oil India Limited, Duliajan, whereby, the appointment of the petitioner as Assistant Operator-I/Assistant Mechanic-I/Assistant Technician-I (Field Engineering) Grade-V, is terminated with immediate effect and blacklisted from applying against any vacancy of Oil India Limited in future on the ground of submission of fake/false Schedule Caste (SC) Certificate.

3. The facts of the case, in brief, are that pursuant to the advertisement by the Oil India Limited inviting application from eligible candidates from its production and exploration area in the district of Dibrugarh, Tinsukia and Charaideo of Assam and Changlang district of Arunachal Pradesh for recruitment to the post of various posts including 15 nos. of posts of Assistant Technician-I (Instrumentation) Trainee, Grade-V/Assistant Technician-I (Instrumentation) Inspection Trainee Grade-V, which was distributed amongst the various categories of ST, SC, OBC (NCL) and UR, the petitioner being eligible applied for the said posts of Assistant Technician-I (Instrumentation) Trainee, Grade-V/Assistant Technician-I (Instrumentation) Inspection Trainee Grade-V, under SC category by submitting his application along with all requisite documents. The petitioner claims to be belong to SC category.

4. After various stages of selection process including written test and viva

voce, the petitioner was selected as per the final result under unreserved category in spite of the fact that the petitioner duly applied for the post under SC category. Accordingly, the petitioner was appointed as Assistant Operator-I/Assistant Mechanic-I/Assistant Technician-I (Field Engineering) Grade-V on probation for a period of 12 (twelve) months w.e.f. 11.08.2021 vide appointment order dated 11.08.2021. Accordingly, the petitioner joined the said post in the Oil India Limited, Duliajan, Assam.

5. It is the contention of the petitioner that while he was serving in the said post, the petitioner was served with an impugned termination letter dated 23.06.2022, on the ground of submission of alleged fake/false SC certificate by stating that the petitioner's SC certificate does not match with the official issue register maintained in the Office of the respondent and the respondent No.4 in his report stated that no such certificate was issued during the relevant period. The respondent authorities have issued the impugned termination letter by purportedly invoking the Clauses 2.0 and 5.7.1 of appointment letter without issuance of any notice to the petitioner which is not only in violation of principle of natural justice but also requirement under the terms of the advertisement.

6. Mr. G.N. Sahewalla, learned senior counsel for the petitioner, submits that a perusal of the impugned Termination letter bearing no. HRAQ/TERM/22-2919 dated 23.06.2022 would reveal that the Respondents have sought to resort to the impugned termination in pursuance to the letters dated 10.01.2022 and dated 25.05.2022 issued by the respondent no. 2 and report issued by the respondent no. 4, of which, the petitioner had no knowledge, nor the petitioner was ever intimated that the respondents have conducted such verification/re-verification of documents. Therefore, the verification/re-verification of documents or enquiry conducted by the respondents being behind the back of the petitioner and

the petitioner having been totally deprived of an opportunity to represent his case, has been subjected to grave prejudice as the petitioner has been sought to be penalized and would be further subjected to adverse civil consequences, in total violation of the principle of natural justice. He submits that the allegations on the basis of which the respondents have sought to terminate the petitioner from service besides being vague, are apparently incorrect and perverse.

7. Mr. G.N. Sahewalla, learned senior counsel, while referring to the condition of the advertisement, submits that the respondent authorities by not affording an opportunity to the petitioner to represent his case, have sought to arrive at its pre-determined conclusion that the SC certificate submitted by the petitioner is fake, which besides wholly incorrect, is a clear violation of principle of natural justice.

8. He submits that in the year 2004, the petitioner applied for issuance of SC certificate and accordingly, upon verification of the documents submitted by the petitioner, Sub-Divisional Scheduled Caste Development Board, Sadiya on 05-02-2004 issued the SC certificate bearing serial no. 127 in favour of the petitioner. At the time of application for issuance of the SC certificate, the petitioner was residing at Village Chapakhowa, Sadiya, District - Tinsukia, Assam. Similarly, the petitioner's brother also applied for issuance of SC certificate in his favour and same was issued on the same day being bearing serial no. 131.

9. Mr. G.N. Sahewalla, learned senior counsel, submits that the Circle Officer, Sadiya Revenue Circle vide its letter bearing dated 29-12-2021, without affording an opportunity to the petitioner and his family members and on perverse appreciation of documents arrived at the conclusion that the petitioner is not a resident of Mouza- Sadiya, Town Chapakhowa which

is devoid of any merit inasmuch as, at the time of preparation of such a report by the Circle Officer, Sadiya Revenue Circle, the petitioner along with his family members left their rented premises situated at Village - Chapakhowa, Sadiya, District -Tinsukia, Assam and were the permanent resident of Mission Para, Tinsukia, Assam. This aspect of the matter has not been considered by the Circle Officer, Sadiya Revenue Circle and thereby had arrived at a erroneous conclusion. The Circle Officer, Sadiya Revenue Circle, having prepared such a report without considering the prevailing facts and circumstance as well as without affording any opportunity to the petitioner to submit requisite documents, the reliance sought to be placed by the respondent OIL upon such report prepared by Circle Officer, in issuing the impugned termination letter dated 23-06-2022 is wholly bad in law.

10. Mr. G.N. Sahewalla, learned senior counsel, submits that the Chairman, Scheduled Caste Development Board, Sadiya, District Tinsukia wholly erred in observing that the Scheduled Caste certificate issued in favour of the petitioner was not issued by the Board, inasmuch as, the Photostat copies of the said register clearly fortifies the fact that petitioner's name appears at Serial no. 34 "Sri Amrit Das", wherein the name of petitioner's father is recorded as "Sri Nupur Das" and the sub-caste to which the petitioner belong to is recorded as "Kaiborta" and the date of issuance of certificate is recorded as 05.02.2024. Therefore, the observation / conclusion arrived at by the Chairman, Scheduled Caste Development Board, is wholly misconceived and misplaced and was issued by misreading the materials on record.

11. Mr. Sahewalla, learned senior counsel, submits that the impugned termination which has been based on the misconceived and erroneous facts as well as ignoring the material facts on record and in total contravention of

the principle of natural justice, if not interfered with, would have far reaching adverse civil consequences against the petitioner. The allegation of submission of fake certificate, as alleged by the respondents requires to be adjudicated by an independent adjudicating authority and unless such adjudication process is completed, the respondents ought not be permitted to give effect to the impugned termination letter and in this view of the matter, the impugned termination letter dated 23.06.2022 is liable to be set aside and quashed.

12. Mr. G.N. Sahewalla, learned senior counsel, submits that even assuming but not admitting that the petitioner's SC Certificate is a fake one, even then, the fact that in the list of the final result in respect of the post code "ATI12017", the petitioner's roll no. 1714050004 appears at serial no. 3 under "UR CATEGORY" and as such, the petitioner was appointed under "UR CATEGORY" and not under the post reserved for "Schedule Caste" category. This aspect of the matter has not been considered by the respondent OIL in its proper prospective, thereby subjecting the petitioner to grave prejudice.

13. Mr. G.N. Sahewalla, learned senior counsel submits that the law is well-settled that black listing amounts to civil death for an individual since it strikes on the goodwill and reputation of the human being. Power to blacklist cannot be resorted to when the grounds for the same are only submission of fake certificate, that too being arrived at by placing reliance upon report/ certificates / letters issued by different authority on erroneous and incorrect facts and by ignoring the materials available on record and when legal remedies are available to both the parties. He submits that power to blacklist the petitioner from applying against any vacancy of Oil India Limited in future is a drastic consequence and therefore, same is palpably illegal. The penalty imposed upon the petitioner is clearly arbitrary

and in violation of the fundamental rights of the petitioner and as such the impugned termination letter dated 23.06.2022 is liable to be set aside and quashed.

14. Learned senior counsel, Mr, Sahewalla, in support of his submissions, has placed reliance on the following judgments:-

i. **Barnali Deka -vs- State of Assam** reported in **2016 (4) GLT 1019.**

ii. **UMC Technologies Private Limited -vs- Food Corporation of India and Another** reported in **(2021) 2 SCC 551.**

15. Mr. A. Sarma, learned standing counsel, Oil India Limited, while defending the action of the respondent authorities, submits that the petitioner has unconditionally accepted the appointment letter along with the terms and conditions mentioned therein. The petitioner took part in the recruitment process by submitting Application Form for the said Post as the Scheduled Caste candidate. The petitioner participated in the selection process under the Schedule Caste Category but he was selected against the unreserved category as per the marks obtained by him in the selection process. In pursuance of provisional selection of the petitioner, respondent authorities had issued the provisional appointment Letter dated 11.08.2021 in favour of the Petitioner for the post of Assistant Operator-pI/Assistant Mechanic-I/Assistant Technician-I (Field Engineering) in Grade-V.

16. Mr. A. Sarma, learned standing counsel, submits that as per the Company's Recruitment Policy, more particularly Clause 2.0 of the Appointment Letter and Clause F (h) of the Advertisement dated 18.10.2017, the Document /Testimonial/Certificate of the petitioner were sent to the concerned authorities for verification of its authenticity vide

Letter dated 03.11.2021. In response to the Company's Letter dated 03.11.2021, the Additional Deputy Commissioner, I/C Sadiya Sub-Division vide its Letter dated 10.01.2022, informed the Company that Sl. No. 127 of the Caste Certificate submitted by the petitioner does not match with the Official issue Register of their Office. As per applicable Policy, if any documents/certificates/testimonials are found to be false/fake, such a work person will have to be immediately terminated. Considering the said serious aspect of the matter, the Company again requested the Additional Deputy Commissioner, I/C Sadiya Sub-Division to re-verify the matter vide its Letter dated 03.02.2022 and Letter dated 25.03.2022.

17. Mr. A. Sarma, learned standing counsel, submits that Clause 2.0 of the Appointment Letter dated 11.08.2021 stipulates that appointment and continuance in service of the petitioner is provisional and subject to verification of documents submitted by him and if any of the documents found to be false/fake/incorrect, his appointment offer will be deemed to be have been withdrawn and cancelled automatically. Further, Clause 5.1.5 of the Appointment Letter expressly states that in case the verification reveals that the claim to belong to SC/ST/OBC-NCL is false, the probation/service will be terminated forthwith without assigning any further reasons. Reading of the aforesaid condition of the appointment order makes it discernible that document verification is a procedure laid down in the appointment letter and is a condition precedent for continuance of petitioner in service and the petitioner has accepted the appointment letter absolutely and without any reservation which make it very clear that he has accepted the appointment with all its terms and conditions.

18. Mr. A. Sarma, learned standing counsel, submits that consequent upon confirmation from the Competent Authority with regard to submission of fake/false certificate in support of the candidature by the petitioner, the

service of the petitioner in the Company was terminated with effect from 23.06.2022 and the petitioner was also blacklisted from applying against any vacancy of Oil India Limited in future in pursuance to Clauses- 2.0 and 5.7.1 of the Appointment Letter.

19. In response to the OIL's Letters, the Additional Deputy Commissioner, I/C Sadiya Sub-Division vide its Letter dated 25.05.2022, informed the respondent Company that a report was sought from the Chairman, Sub Divisional Schedule Caste Development Board, Sadiya for further verification of the Caste Certificate of the Petitioner. In the Report, the Chairman has clearly stated that the Certificate was not issued by Sub-Divisional Schedule Caste Development Board, Sadiya. Besides, it was also informed that as per record in the register of the office of the Sub-Divisional officer (Civil), Sadiya, no such certificate was issued during that particular period. He submits that since the caste certificate submitted by the Petitioner was found to be false/fake, therefore, in terms of the Clauses- 2.0, 5.1.5, 5.7.1 and 5.7.6 of the Appointment Letter, the appointment offer is liable to be withdrawn and cancelled automatically and liable to be removed from the service without any prior notice. Accordingly, the service of the Petitioner was terminated from the Company due to submission of fake Caste Certificate while undergoing recruitment process of the Respondent Company.

20. He also states that the Petitioner has submitted fake Caste Certificate thereby warranting action under Clauses-2.0, 5.1.5, 5.7.1 and 5.7.6 of the Appointment Letter dated 11.08.2021, which was unconditionally accepted by the petitioner. Therefore, consequent upon confirmation from the competent authority with regard to submission of fake/false Certificate in support of the candidature by the Petitioner, the service of the petitioner in the Company was terminated with effect from 23.06.2022 vide Termination

Letter dated 23.06.2022 and the Petitioner was also blacklisted from applying against any vacancy of Oil India Limited in future in pursuance to Clauses- 2.0 and 5.7.1 of the Appointment Letter. He submits that it is a settled proposition of law that when a person secures appointment on the basis of a false caste certificate, he cannot be allowed to retain the benefit of the wrong committed by him and his service is liable to be terminated.

21. He submits that verification process of documents was done in respect of all the provisionally selected candidates. Accordingly, the respondent Company has followed the procedures, as laid down in the subject Advertisement and offer of appointment and based on the verification report from the Competent Authority, the termination letter was issued in accordance with the provisions of the Letter of Appointment.

22. Mr. A. Sarma, learned standing counsel, submits that while filling application form, the petitioner has made the declaration that the particulars in the application form are true, correct and complete to the best of his knowledge and belief and nothing has been concealed and incorrect information has been furnished. In case any of the information furnished by him in this application is found to be false, incorrect and misleading at any time after submission of the same, he be fully responsible against the post and shall also have no objection for taking any legal action as deemed fit by Oil India Limited. The declaration and Clause 5.1.5 and 5.7.6 of the appointment letter makes it clear that consequential actions have already been notified to the candidates in the event of furnishing false information or suppression of any information in the application form, which if done will lead to the termination from service. The Petitioner has submitted the fake document which violated the abovementioned Clauses and declaration and hence Petitioner was terminated from service as per the provisions prescribed in the letter of

appointment. Further, two independent authorities, viz., Addl. Deputy Commissioner, Sadiya Sub-division and Sub-Divisional Schedule Caste Development Board have confirmed that the caste certificate of the petitioner was not issued from their office. Hence, question of investigation by any independent adjudication authority does not arise.

23. He submits that withholding of material information sought by the employer or furnishing false information per se is a ground for termination from service. The selection of the petitioner under UR category cannot be the ground to overlook submission of fake documents by him which amounts to violation of terms of Advertisement and appointment letter. In fact, by furnishing the fake/false document, the petitioner has lost complete trust of the Company. Hence, it is not material whether the caste certificate is an essential documents for selection of the petitioner or not. Besides, even if the selection of the petitioner was against UR Category, but, the petitioner's status will be recorded as "Schedule Caste" in the Company, which is considered for promotion in the Company, as per Company's Promotion Policy.

24. Mr. A. Sarma, learned counsel, submits that the action of the respondent Company to terminate the Petitioner was based on the provisions in Clauses- 2.0, 5.1.5, 5.7.1 and 5.7.6 of the appointment Letter dated 11.08.2021 as well as Clause-F(g) of the Advertisement, which was done after due verification from the concerned authorities. The termination of the petitioner is fully justified as it is clear that petitioner has submitted the fake documents pertaining to his caste and the same violates the terms and conditions of appointment letter as well as the Advertisement, which was unconditionally accepted/declared to be true by the petitioner. Therefore, the action of the respondent Company is legally justified and has no infirmity in it. Hence, the Writ Petition has no merit and liable to be

dismissed.

25. Mr. A. Sarma, learned standing counsel, Oil India Limited, in support of his submissions, has placed reliance on the judgement of the Hon'ble Supreme Court in the case of **Om Prakash Mann -vs- Director of Education (Basic) and Another** reported in **(2006) 7 SCC 558**, to submit that that if the probationer is dismissed/terminated during the period of probation, no opportunity is required to be given and, therefore, the question of violation of principle of natural justice does not arise.

26. Ms. A. Talukdar, learned Govt. counsel, for respondent No. 2, 3 and 4, submits that a letter dated 03.11.2021 was received from the General Manager (HR Acquisitions), Oil India Limited, Duliajan regarding verification of Caste certificate of the petitioner enclosing the photocopy of the Caste Certificate. Accordingly, the office records were verified. After verification it is found that in Sl.No.008 dated 05/02/2004 of the register of counter signature of certificate, one certificate in the name of petitioner of Napatia, Sunpura of the Sub-Division was countersigned. Therefore, the name and address of the applicant does not match. In this regard, a report was also taken from Circle Officer, Sadiya. In the report of the Circle Officer it was mentioned that Amit Das S/o of Nupur Chandra Das, petitioner is not the resident of Chapakhowa, Sadiya. Then for reconfirming the authenticity of the Caste Certificate of petitioner, another letter was received from the General Manager (HR Acquisitions), Oil India Limited, Duliajan. After receipt of the said letter, one report was taken from the Chairman, Sub-Divisional Scheduled Caste Development Board vide this office letter dated 27.04.2022 for further verification of the Caste Certificate. Thereafter, the Chairman of the Board submitted his report wherein it was stated the caste certificate of Sri Amit Das, S/O Nupur Das, Chapakhowa was not issued by the Sub-Divisional Schedule Caste Board Sadiya. Therefore, after detail

verification of the copy of Caste Certificate, the verification report was submitted to the General Manager (HR Acquisitions), Oil India Limited, Duliajan. Now, the Chairman, Sub-Divisional Scheduled Caste Development Board, Sadiya was once again requested for examining the authenticity of the caste certificate vide office letter dated 18.11.2022. In his report, it has been stated that the format of Caste Certificate issued by the Scheduled Caste Development Board does not tally with the caste certificate of the petitioner and he further mentioned in the report that the certificate of petitioner is fake. Therefore, the verification report was intimated to the Oil India Limited.

27. Due consideration has been extended to the submissions of learned counsel for the parties and have perused the materials available on record.

28. The petitioner was appointed as Assistant Operator-I/Assistant Mechanic-I/Assistant Technician-I (Field Engineering) Grade-V vide appointment letter dated 11.08.2021 pursuant to the advertisement issued by the Oil India Limited. The appointment letter provides that the appointment and continuance in the service is provisional and subject to verification of the caste (applicable only for SC/ST/OBC-NCL), Disability Certificate (applicable only for PwBD), Income and Assets certificate (applicable only for EWS) Discharge Book/Service and Release and Release Certificate (applicable only for Ex-servicemen), all educational testimonials, experience (if applicable) and character & antecedents being found satisfactory. In the event of candidates antecedents not being found satisfactory or any of the above documents found to be false/fake/incorrect, the appointment offer will be deemed to have been withdrawn and cancelled automatically.

29. The relevant provisions of the appointment Letter dated 11.08.2021

are reproduced herein below:

“2.0 Your appointment and continuance in the service is provisional and subject to verification of your caste (applicable only for SC/ST/OBC-NCL), Disability Certificate (applicable only for PWBD), Income and Assets Certificate (applicable only for EWS), Discharge Book/service and release certificate (applicable only for ex-servicemen), all educational testimonials, experience (if applicable) and character & antecedents being found satisfactory. In the event of your antecedents not being found satisfactory or any of the above documents found to be false/fake/incorrect, this appointment offer will be deemed to have been withdrawn cancelled automatically.

5.1.5 The appointment is provisional and is subject to the Caste/Tribe/OBC-NCL certificate being verified through the proper channels. In case the verification reveals that the claim to belong to Scheduled Caste/Scheduled Tribe/OBC-NCL, as the case may be, is false, the probation/service will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian Penal Code for production of false certificate. Since the creamy layer status of OBC candidates may change after issue of certificate making him/her ineligible for reservation, the OBC candidates shall be required to submit the declaration as per the format enclosed at Annexure A.

*5.7.6 Notwithstanding anything to the contrary herein, the Company shall be at liberty to withdraw or terminate this appointment letter forthwith upon or at any time on the happening of the following events:
If any information given by you in your application for the post or in any other documents connected therewith or filled in support thereof is found to be untrue or incorrect.*

OR

If you have concealed any information which, if disclosed, would have disentitled you to secure appointment for the post.

30. Bare reading of the above clauses reflect that the appointment and continuance in the service is provisional and subject to verification of caste Certificate, all educational testimonials, experience and character & antecedents being found satisfactory. In the event of the antecedents not being found satisfactory or any of the documents found to be false/fake/incorrect, the appointment offer will be deemed to have been withdrawn cancelled automatically. The appointment is provisional and is

subject to the Caste/Tribe/OBC-NCL certificate being verified through the proper channels. In case the verification reveals that the claim to belong to Scheduled Caste/Scheduled Tribe/OBC-NCL, as the case may be, is false, the probation/service will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian Penal Code for production of false certificate. It further reflects that the Company shall be at liberty to withdraw or terminate the appointment letter forthwith upon or at any time if any information given by the candidate in the application for the post or in any other documents connected therewith or filled in support thereof is found to be untrue or incorrect or if it concealed any information which, if disclosed, would have disentitled to secure appointment for the post.

31. It is seen that the petitioner has applied for the post of Assistant Operator-I/ Assistant Mechanic-I/Assistant Technician-I (Field Engineering) Grade-V by showing that he belong to SC community. The petitioner was selected for the said post alongwith 12 other candidates. Although, the petitioner appears to have participated as SC category candidate in the selection process, he has been selected and appointed against the unreserved category as per the marks obtained by him in the selection process.

32. The selection and appointment of the petitioner under unreserved category is fortified by the categorical stand of the respondent company and the fact that the petitioner was allowed to appear in the selection process and as per the marks obtained by the petitioner in the selection process, he was selected under the unreserved category. If a candidate belonging to SC/ST/OBC category is selected on the same standard as applied to General Category candidates and appears in the general merit list, the said candidate will be treated in the merit list of unreserved

category. Accordingly, such candidate is adjusted against unreserved point of the reservation roster. The petitioner was also selected against unreserved category following the prescribed reservation guidelines in the recruitment.

33. It appears that the respondent company sent the SC certificate of the petitioner to the concerned authorities for verification of its authenticity by letter dated 03.11.2021. The concerned authority i.e. the Additional Deputy Commissioner, In-Charge Sadiya Sub-Division, in response to the said letter informed the respondent authorities Oil India Limited that the caste certificate submitted by the petitioner does not match with the official issue register in their office. Thereafter, the Additional Deputy Commissioner was requested to re-verify the matter vide letter dated 25.03.2022. The Additional Deputy Commissioner vide its letter dated 25.05.2022, informed the respondent Oil India Limited and report was sought from the Chairman, Sub-Divisional Schedule Caste Development Board, Sadiya for further verification of the caste certificate of the petitioner. In the report, the Chairman has stated that the certificate was not issued by the Sub-Divisional Development Board, Sadiya and further informed that as per record in the Register of the office of the Sub-Divisional Office, Sadiya, no such certificate was issued during the particular period. The respondent company based on the above report and information from the Additional Deputy Commissioner, Sadiya Sub-Division has terminated the service of the petitioner as per condition of appointment letter vide the impugned termination letter dated 23.06.2022.

34. The advertisement dated 18.10.2017 provides that in case the verification report reveals any of the documents/ certificates/testimonials submitted found false/fake/incorrect or any adverse report/non-clearance of character and antecedents in the police verification report is received,

provisional appointment as a trainee will be terminated/cancelled/disqualified at any stage with 15 days notice, besides being liable for any penal action under the provisions of Indian Penal code for production of false/ fake/ incorrect documents/ certificates/ testimonials of for adverse report of character and antecedents. The terms and conditions of the appointment and confirmation in the grade is liable to be changed/amended at the discretion of the company.

35. Bare perusal of the above conditions reflects that if the verification report reveals any documents submitted is found to be false, fake or incorrect, the appointment shall be terminated/cancelled/disqualified at any stage with 15 days notice besides being liable for penal action under the provision of IPC, 1860. Admittedly, no notice was issued to the petitioner by providing 15 days time period before the impugned termination letter was issued.

36. This court takes note of the fact that the declaration of SC certificate to be false or fake would certainly entails denuding the status of a person being SC. It is seen that based on the mere report of certain authorities, the SC certificate has been declared to be false/fake, which in my view would not be permitted as the status of SC or ST is by birth. If the status and certificate of SC is under cloud, a machinery has been provided in every State of the country as per the direction of the Hon'ble Supreme Court in the case of **Kumari Madhuri Patil ad another -vs- Add. Commissioner, Tribal development and Ors.** reported in **(1994) 6 SCC 241.**

37. In the present case, no doubt, the respondent company may have their own recruitment policy and the terms and conditions have been provided in the Rules as well as in the advertisement for recruitment of its

employees, however, the SC certificate issued by the competent authority, in my considered view cannot be declared to be false/fake without proper determination in terms of the direction of the Hon'ble Supreme Court that too without providing any opportunity of hearing to the petitioner. The respondent company appears to have only stuck to their recruitment policy without considering the chilling effect that would cause to the petitioner on declaration of SC certificate to be false/fake and thereby terminated the service of the petitioner and also blacklisted him from participation in the future recruitment process of the company.

38. This Court is not oblivious to the fact that cancellation of the caste certificate and the certificate being false and fake are two different aspects. The submission of false or fake SC certificate *per se* would not be a ground for a declaration of the caste certificate to be void. However, once the caste certificate of the person is declared fake and false, the same would entail denuding the status of the person. Whether the certificate is false or fake, a minimum opportunity of hearing needs to be provided to the affected person and there cannot be one sided enquiry and then declared the certificate to be fake or false to the detriment of the person belonging to the SC category.

39. In the case of **Kumari Madhuri Patil** (supra), the Hon'ble Supreme Court had prescribed a detailed procedure to be followed in case of dispute relating to social status certificate like caste certificate. The Hon'ble Supreme Court has held that in case of dispute regarding genuineness of caste certificate or ineligibility of the person to hold the caste certificate, enquiry should be conducted by a Scrutiny Committee. The Hon'ble Supreme Court directed that all the State Governments should constitute a Caste Scrutiny Committee. The Scrutiny Committee shall give reasonable opportunity of hearing to the candidate/parent/guardian to adduce all

evidence in support of the claim. Public notice may also be issued eliciting the views of interested persons or groups. Thereafter, the Scrutiny Committee may conduct such inquiry as it may deem expedient and after considering the claims and counter claims, may pass appropriate order with brief reasons in support thereof. If the certificate is found to be false, the same is required to be cancelled and thereafter intimated to the concerned authority to cancel the admission or appointment, as the case may be.

40. As noted above, mechanism is already in place to decide whether the person actually is a SC or ST or for that matter whether any certificate issued by the authority is a fake or false. By not adhering to the mechanism and the procedure as laid down by the Hon'ble Supreme Court, I am of the considered view that the respondent authorities ought not to have issued the termination letter on the basis of the report of certain authorities and purely on their own recruitment policy as well as terms and conditions of the appointment order, that too by further blacklisting from applying against any vacancy of Oil India Limited in future.

41. It is settled principle of law that any order having civil consequences should be passed only after following the principles of natural justice. Even if the rules do not express so, it is an elementary principle of natural justice that person (s) affected by any order should have right of being heard and making representation against the order. The Hon'ble Supreme Court has held that the necessity of compliance with the principles of natural justice by giving the opportunity to the person against whom action of blacklisting is sought to be taken has a valid and solid rationale behind it. With blacklisting, many civil and/or evil consequences follow. It described as "civil death" of a person who is foisted with the order of blacklisting. Such an order is stigmatic in nature. In the present case, advertisement requires issuance of notice of 15 days, however, no notice appears to have been issued.

42. In **Om Prakash Mann (supra)**, it is well settled principle of law that if the probationer is dismissed/terminated during the period of probation no opportunity is required to be given and, therefore, the question of violation of principle of natural justice does not arise in the given facts of that case. In that case the appellant was a Headmaster who was charged for serious dereliction of duty, misappropriation of fund and not providing his integrity during probation. An enquiry was initiated and charges were proved in the departmental enquiry, thereby he was dismissed during probation period. In the present case no enquiry was initiated against the petitioner but straight away terminated the service of the petitioner solely based on the report from certain authorities without providing any opportunity to the petitioner which has caused prejudice to the petitioner. Thus, the case does not come to aid of the respondents.

43. In view of the discussion made hereinabove, I am of the considered view that the action of the respondent authorities Oil India Limited in issuance of impugned termination letter dated 23.06.2022 is not sustainable and accordingly, the same is set aside and quashed. Consequently, the respondent authorities are directed to reinstate the petitioner forthwith. However, it would be open to the respondent authorities to proceed afresh against the petitioner with regard to his caste certificate by following the due process of law as indicated herein above.

44. With the above observation, writ petition stands disposed of. No order as to costs.

JUDGE

Comparing Assistant