

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2408 of 2014

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1. Ravindra Nath Patel S/O Mathura Prasad Patel Permanent R/O Village -
Garighat, P.S. Mansahi, Distt. Katihar

.... Petitioner/s

Versus

1. The State Of Bihar Through The Director General Of Police, Government Of Bihar, Patna
2. The Inspector General Of Police, Darbhanga, Distt. Darbhanga
3. The Deputy Inspector General Of Police, Darbhanga Division, Darbhanga
4. The Deputy Inspector General Of Police, Sahabad Range, Dehri-On-Sone, Rohtas
5. Superintendent Of Police, Madhubani, District - Madhubani
6. Superintendent Of Police, Buxar, District - Buxar
7. Enquiry Officer Cum Dy. S.P., Buxar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mrs. RANI KUMARI

For the Respondent/s : Mr VIVEKANAND SINGH, AC to GA 8.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 16-02-2015

Heard learned counsel for the petitioner and the State.

Petitioner was appointed as a constable in the district of Purnea on 20.9.1981. At the time of his appointment he had submitted a set of documents including school leaving certificate issued by Middle School, Parsadi English, Gaya, now Arwal showing his date of birth as 1.12.1956. He was shown to be a student in the said school between 22.1.1964 to 23.1.1967. However, it emerged that the petitioner was also a regular student of yet another school known as Maheshwari Academy, Katihar during the period 18.1.1963 to July, 1967 and he had passed his intermediate examination in 1967. In the records of the school at Katihar his date of birth was recorded as

18.10.1949. The issue arose whether a person could be a regular student of two institutions as diversely located as Arwal and Katihar at the same time.

If the original date of birth of 1949 was taken into consideration, the petitioner was not even eligible to be appointed on the post of constable because he was over age. The reason for procuring forged certificate from Arwal, therefore, is obvious.

If an employee gets employment under the State on the basis of forged and fabricated documents and that too in the police department which is supposed to be conscious and moral keeper with regard to the conduct of other citizens the minimum which was required was to hold a departmental proceeding.

A regular departmental proceeding had been held, evidence have come and based on the same a finding of guilt having been recorded, the Supdt. Of Police Madhubani issued order of dismissal of the petitioner from service. That order is annexure 5, dated 21.5.2012.

Against the order of the Supdt. Of Police, an appeal was preferred by the petitioner before the D.I.G. Shahabad Range He considered the defence put up by the petitioner but in absence of any cogent and valid explanation or evidence contrary to the over-bearing evidence of forgery having been committed in this regard, the

appellate authority also refused to exercise its discretion by not interfering with the position aforesaid.

It is the contention of counsel for the petitioner that some verification should have been made with regard to the genuineness of the intermediate certificate.

The enquiry was with regard to the genuineness of the certificate used by the petitioner for getting employment, the petitioner has / had no explanation to offer. He has nothing to say with regard to how there are two different dates of birth from two different institutions simultaneously.

With the kind of allegation the petitioner could not have been appointed as a constable. He had procured the employment after committing forgery and had cheated the State for getting the employment. A Government servant cannot be shown mercy by interfering with the impugned order contained in Annexure 5 or Annexure 6/1. I think it should be a lesson to all such who think they can get away with such conduct.

No interference, therefore, is warranted with the impugned order Writ application is dismissed.

(Ajay Kumar Tripathi, J)

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