

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12553 of 2015

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Nitu Kumari Basak, wife of Shri Manoj Kumar Basak, resident of village
Dhawali, P.S. Jhala, District Kishanganj

.... Petitioner

Versus

1. The State of Bihar through the Director, Primary Education Govt. of Bihar, New Secretariat, Patna
2. The District Superintendent of Education cum Coordinator, District Kishanganj
3. The District Magistrate cum Collector, Kishanganj
4. The Sub Divisional Officer, Kishanganj
5. The District Welfare Officer, Kishanganj, District Kishanganj

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Alok Kumar @ Alok Kr Shahi

For the Respondent/s : Mr. Ashok Kumar- Sc11

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 18-08-2015

Heard learned counsel for the parties.

Having regard to the prayer of the petitioner in this writ application, relevant portion whereof reads as follows:

“(i) For issuance of writ in the nature of certiorari for quashing the memo No. 1510 dated 14.11.2014 issued by the Block Development Officer, Terhagachh, Kishanganj by which he has informed the petitioner that her Caste Certificate No. 829 dated 18.7.2006 was cancelled pursuant to the enquiry conducted by the B.D.O., Terhagachh, and thereafter her engagement as Block Teacher has also been terminated because of forged Caste Certificate.

(ii) For issuance of writ in the nature of mandamus directing the respondents to issue Caste Certificate of Schedule Caste to the petitioner.”



this Court is of the considered view that if the subsequent event has taken place after the impugned order of cancellation of Caste Certificate and/or termination of the service of the petitioner on the post of Prakhand Teacher has been passed on 14.11.2014, the remedy for the petitioner was either to move the competent District Teachers Employment Appellate Authority against the impugned order by placing reliance on the resolution of the Bihar Government dated 1st July, 2015 which has also been taken into consideration by this Court in an order dated 22.7.2015 while disposing of similar writ petitions being C.W.J.C.No. 14740/2014 and its analogous cases.

This Court having perused the Caste Certificate originally given to the petitioner on 18.7.2006 will find it difficult to decipher as to whether the petitioner at that point of time was declared as a person belonging to Chaupal by caste actually belongs to Tanti by caste. The applicability of the Government resolution dated 1st July, 2015 or the orders of this Court, referred to above, will depend on the basic determination of fact with regard to caste of the petitioner and therefore, if the petitioner has now in her possession the aforementioned Government resolution dated 1st July, 2015, she can move before the Block Development Officer, Terhagachh for demonstrating that her Caste Certificate

on the basis of which she got appointment on the post of Prakhanda Teacher as a Scheduled Caste candidate will not require any interference. If the petitioner does so, the Block Development Officer, Terhagachh shall take his appropriate decision as is permissible in law.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

surendra/-

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