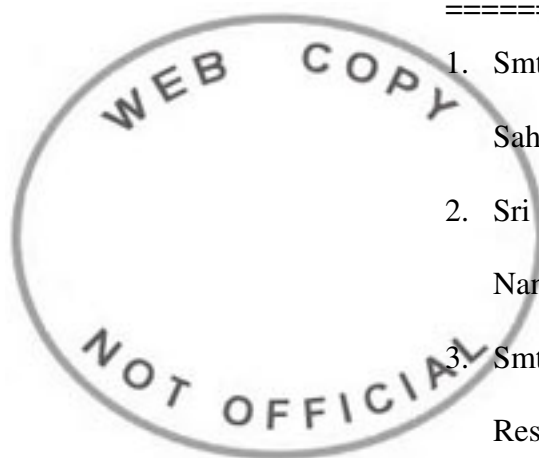


IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1120 of 2014



- =====
1. Smt. Meena Devi wife of Surya Narain Singh, Resident of village- Sahadatpur,
 2. Sri Pradeep Singh, Son of Ram Lakhan Singh, Resident of village- Nanhakar,
 3. Smt. Manju Devi Wife of Sri Sunil Kumar Rao @ Sunil Prasad, Resident of village- Khairatiya
 4. Sri Raj Kumar Rao, Son of Sri Kripachand Rao, Resident of village- Nanhakar, North
 5. Sri Prahlad Prasad son of Mahavir Prasad, Resident of village- Nanhakar.

All are Police Station- Yogapatti, District- West Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna
3. The Superintendent of Police, West Champaran, Bettiah
4. The Officer Incharge, Yogapatti, P.S. District West Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

3 13-07-2015 Heard learned counsel for the petitioners and learned
A.C. to A.A.G.-9 for the State.

The present application seeks quashing of the F.I.R. of Yogapatti P.S. Case No. 240 of 2014 registered for offences punishable under Sections 420/406/467/468/471 of the Indian Penal Code.

The brief facts of the case are that the petitioners got employment as Panchayat Teacher on the basis of degrees obtained from Bhartiya Shiksha Parishad, Lucknow, Uttar Pradesh. Later on, according to the respondent authorities, the said qualification was not recognized for the purposes of the said employment and accordingly their services were terminated against which they have moved before the District Teachers Employment Appellate Authority which were allowed and they were reinstated in service. Suddenly on the basis of a report of the Block Education Officer, the present F.I.R. has been lodged against the petitioners in which the allegation is that the institution from which they have shown to have obtained the degrees itself is neither recognized by the Central Government nor the State Government.

Learned counsel for the petitioners submits that the present is a clear case of misconceived prosecution and in fact an abuse of the process of the court for the reason that there is no criminality in the whole episode as the allegation is neither that the petitioners had falsified any record or had acted fraudulently. The



petitioners, right from the beginning, proceeded with the said certificate which has not been alleged to be forged or fabricated and thus the charging of the petitioners alleging criminal conduct against them and making them accused under the aforesaid sections of the Indian Penal Code cannot be sustained. It is submitted that even for the sake of argument if the institution from which the petitioners got their degrees is not recognized for the purposes of employment in the State of Bihar, at best, it can result in the petitioners' job being taken away and visiting them with civil penal consequences. It is submitted that the petitioners after having approached the authority prescribed in law, that is, the District Teachers Employment Appellate Authority and continuing in service have now been implicated in the criminal case without any justification under law. It is further submitted that no other allegation which in any way can show any criminal liability with regard to the petitioners has been mentioned in the F.I.R.

Learned counsel for the State, though opposes the application, but is not in a position to show to the Court as to what criminality is shown from the allegations made in the F.I.R. as he admits that the allegation is that the institution from which they have obtained degrees is not recognized for the purposes of employment in the State of Bihar as the same has not been either approved by the Central Government or even the local State

Government much less the State of Bihar and he has fairly conceded that from the allegations made in the F.I.R. it is not the case of the prosecution/State authorities that the petitioners at any point of time either forged or fabricated their degrees or misrepresented.

Considering the facts and circumstances of the case and the submissions of learned counsel for the parties, this Court finds substance in the submissions of learned counsel for the petitioners. As the allegation made against the petitioners relate only to the fact that the degrees possessed by them are not recognized for the purposes of employment in the State of Bihar and there being no allegation or whisper with regard to the said certificate being forged or fabricated, this Court in its considered opinion, does not find any criminal charge to be made out against the petitioners from the plain reading of the F.I.R. itself. Accordingly, the application succeeds and Yogapatti P.S. Case No. 240 of 2014 registered against the petitioners under various sections of the Indian Penal Code stands quashed.

Matter stands disposed off.

(Ahsanuddin Amanullah, J)

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