

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.449 of 2015

In

Civil Writ Jurisdiction Case No. 14429 of 2014

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1. Manorma Kumari. Wife of Sri Ravindra Kumar. Resident of village - Dainikhon, P.O.- Inai, P.S.- Baheri, District - Darbhanga. At present working as Assistant Teacher, Upgraded Middle School, Katraul Jale, Darbhanga.

.... Appellant/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The District Education Officer, Darbhanga.
5. The District Programme officer (Estt.) Darbhanga.
6. The Block Education Officer, Jale, District - Darbhanga.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajendra Kumar Jain

For the Respondent/s : Mr. Ashok Keshri, Adv.AAG-II

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 22-05-2015 The appellant was appointed as a teacher in the year 2012. Large scale irregularities have been noticed in the State of Bihar in the appointment of teachers. About twenty five thousand teachers who are not qualified are said to have been appointed on the basis of fake certificates.

2. The verification of the certificates of teachers



appointed in the recent past, was undertaken at various places. The appellant was requested through letter dated 19-5-2014 by the District Education Officer, Darbhanga, to submit the certificate of her educational qualification and training. Since the appellant did not submit those certificates, an order was passed on 21-7-2014, placing her under suspension. Challenging the order of suspension, the appellant filed C.W.J.C.No. 14429 of 2014. The learned single Judge dismissed the same through order dated 12-11-2014. Hence this appeal.

3. Heard Sri Rajendra Kumar Jain, learned counsel for the petitioner and Sri A. K. Keshri, learned counsel for the respondents.

4. The appointment of teachers on the basis of fake certificates is so rampant in the State, that in the recent past this Court has to issue direction for verification of certificates, on finding that there was no sincerity in the Government itself to weed out fraudulent candidates, obviously for political reasons.

5. The very basis for appointment of a teacher is the qualification held by him or by her, and the only method of verification of the qualification is to see the certificates. It is not out of place to mention here that in several cases the certificates issued by fake institutions and those which are not recognized by

National Council for Teachers' Education(N.C.T.E.) were also produced.

6. In case the appellant has valid certificates, she is expected to place the same before the District Programme Officer. The non-compliance of the direction by itself is a dereliction of duty on the part of the appellant, reflecting upon the absence of qualifications .

7. Reliance is placed upon the judgment of the Hon'ble Supreme Court in Civil Appeal No. 1912 of 2015 dated 16-2-2015 .That was a case in which the appellant was placed under suspension in the year 2011 and it was extended on number of occasions. While directing conclusion of the enquiry within a particular period, their Lordships observed that in case the chargesheet is not issued within three months from the date of suspension, the authority shall remove the suspension. In the instant case, the failure to issue chargesheet was on account of default committed by the appellant. Unless the respondents know the stand of the appellant about the certificates, it would be difficult for them to frame charges also.

8. We, therefore, dispose of the appeal directing that (a) the appellant shall submit her response to the allegations about the educational qualifications within two weeks from today; (b) the

appointing authority/disciplinary authority shall frame charges within two weeks thereafter, even if the appellant does not submit certificates or any representation; and (c) the disciplinary proceeding shall be concluded within two months thereafter.

9. If the enquiry is not concluded, as indicated above, in spite of co-operation from the appellant, the suspension shall stand revoked. If the enquiry is not completed on account of lapses on the part of the disciplinary authority, the State Government shall be entitled to initiate proceeding against the concerned officer.

10. Let a copy of this order be handed over to Sri Keshri, learned counsel for the respondent-State

(L. Narasimha Reddy,CJ)

BK.Roy/-

(Sudhir Singh, J)

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