

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 33476 of 2008

Arising Out of PS.Case No. -0 Year- null Thana -null District- PATNA

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Smt. Surendra Kaur W/o Dr Surjit Singh resident of Muhalla Abulas Machhatoli
Patna 4 P.S. Kadamkuan District Patna.

.... Petitioner/s

Versus

1. State of Bihar
2. Ranbir Singh

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 18-05-2015

No one appears on behalf of the petitioner.

The petitioner seeks quashing of the order of cognizance dated 06.04.2005 passed by the Additional Chief Judicial Magistrate, Patna City as also the order dated 02.05.2007 by which the Court below had framed charges against the petitioner.

The case of the informant who claims to be the member of Adhoc Committee Takhat Sri Harimandirji Patna City that the petitioner on the basis of wrong certificates had managed to get herself appointment as teacher in the school.

It appears that the petitioner was appointed as Assistant Teacher on 03.10.1992 but when the authorities of Bihar School Service Board found discrepancy in her appointment they did not accord approval of her appointment for which reason her salary was stopped. She was also dismissed from the school on the ground of non production of original school certificate. She then filed a writ application bearing

C.W.J.C. No. 10486 of 1998 which was allowed by this Court. Then the District Education Officer, Patna took photograph of the certificate of the petitioner and got them verified at his own level and it was found that the certificates were fake and forged. On this ground the District Education Officer, Patna directed the Committee to lodge first information report and take steps for recovery of Rs. 1,99,715/- which she had withdrawn from the State exchequer.

It further appears from the petition filed here that she had been at loggerheads with the administration on account of which she had filed several petitions where after the present first information report was instituted. If at all there appears to be some dispute with regard to the improper appointment of the petitioner, a civil proceeding may be initiated.

In view of the aforesaid discussion, the application is allowed and the order of cognizance dated 06.04.2005 passed by the Additional Chief Judicial Magistrate, Patna City as also the order dated 02.05.2007 by which the Court below had framed charges against the petitioner, are hereby quashed.

However this order shall not give any undue advantage to the petitioner in any manner in other proceedings initiated by the authorities.

(Anjana Prakash, J)

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