

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21368 of 2012

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Dhananjay Kumar, Son of Late Baijnath Singh, resident of Village Nisanpura, Police Station- Ekangarsarai, District Nalanda. At present residing at Durga Nagri near Sudha Tailkies Manpur, Gaya, Post Office- Buniadganj, Police Station Mufassil Gaya, District Gaya-823002. Assistant Teacher, Janta High School, Makhdumpur, Gaya.

.... Petitioner.

Versus

1. The State of Bihar.
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Vikash Bhawan, New Secretariat, Patna.
3. The Director, Secondary Education, Government of Bihar, Bihar Secondary Education Office, Budh Marg, Patna.
4. The Deputy Director, Secondary Education, Government of Bihar, Bihar Secondary Education Office, Budh Marg, Patna.
5. The Regional Deputy Director of Education, Magadh Division, Gaya.
6. The District Education Officer, Gaya.
7. The Headmaster, Janta High School, Makhdumpur, Gaya.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Sr. Advocate
: Mr. Shailesh Kumar Singh, Advocate
: Mr. Niranjana Kumar, Advocate
For the Respondent/s : Mr. Krishna Kumar Singh, AC to G.P-17.

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 11-12-2015

Heard learned counsel for the petitioner and the respondents.

2. The petitioner was appointed as an Assistant Teacher in Janta High School, Makhdumpur in the district of Gaya pursuant to advertisement issued by the Vidyalaya Seva Board, Patna.

3. The petitioner was M.A. in Political Science and also was a B.Ed.

4. The petitioner submits that some years after his appointment, litigations started and he was terminated from service on the ground of having secured appointment by means of forgery. The petitioner submits that many similar cases with similar imputations had come up for consideration not only before this Court, but up to the Hon'ble Apex Court, which rejected the stand of the respondents. The petitioner submits that his case is squarely covered by a decision in case of Lalan Kishore Arohi, disposed of on 11.10.2012 vide C.W.J.C. No. 13421 of 2009.

5. If the case of the petitioner broadly comes within the purview of Lalan Kishore Arohi, there does not seem any reason to take a different view. It would be up to the petitioner to satisfy the respondents that his case stands on similar footing as that of Lalan Kishore Arohi, wherein reliance was placed upon the case of Subodh Kumar Prasad Vs. State of Bihar & Ors. [2001 (3) PLJR SC 187], which went up to the Hon'ble Apex Court.

6. The writ application is disposed of in terms of the aforesaid order. Pending final consideration of the matter, Annexure-19, passed by the respondents would remain in abeyance.

(Samarendra Pratap Singh, J.)

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