

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3778 of 2013

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Pancham Singh S/o Late Jang Bhadur Singh, Resident of Village and P.O- Punjwar,
P.S- Raghunathpur, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, New Secretariat, Patna.
2. District Magistrate, Siwan.
3. District Superintendent of Education, Siwan.
4. Block Development Officer, Raghunathpur, District- Siwan.
5. Block Education Officer, Raghunathpur, District- Siwan.
6. Head Master, Primary School, Punjwar, Raghunathpur.
7. Head Master, New Primary School, Barki Bari, Punjwar, Raghunathpur.
8. Head Master, New Primary School, Sahimpur, Punjwar, Raghunathpur.
9. Head Master, New Primary School, Miyan Ke Pokhri Punjwar, Raghunathpur.
10. Head Master, New Primary School, Odakapur, Punjwar, Raghunathpur.
11. Mohammad Safiullah S/O Presently Posted As Block Education Officer, Raghunathpur, Siwan.
12. Sabir Hussain S/O Village & Post- Raghunathpur, District- Siwan.
13. Rishikesh Kumar Singh-I Village & Post- Rajpur, P.S- Raghunathpur, Siwan
14. Sri Niwas Yadav S/O Village+ Post- Tari Bazar, P.S- Raghunathpur, District- Siwan.
15. Rakesh Kumar Singh S/O Lal Babu Singh Village- Harshpura, P.O- Daudpur, P.S- Daudpur, District- Chapra.
16. Balindra Kunwar S/O Prabhu Nath Kunwar Vill+ P.O- Dohar, P.S- Rasulpur, District- Chapra.
17. Tarkeshwar Manjhi S/O Rambelash Manjhi Vill- Amwari, Post- Nandpur Amwari, P.S- Raghunathpur, District- Siwan.
18. Ragni Kumari W/O Rajesh Kumar Singh Village- Saraut, Post- Bhagar, P.S- Siwan, Raghunathpur, Siwan.
19. Rajan Kumar Singh S/O Vill+ P.O- Punjwar, P.S- Raghunathpur, District- Siwan.
20. Sunita Kumari W/O Sanjay Kumar Sah Village- Gopi Patigawn, Post- Nadiyawan, P.S- M.H. Nagar, District- Siwan.
21. Babita Kumari D/O Vill+ P.O- Punjwar, P.S- Raghunathpur, District- Siwan.
22. Nilam Kumari D/O Vill+ P.O- Punjwar, P.S- Raghunathpur, District- Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s :	Mr. Ravindra Kumar Shukla
For the Intervenor	Mr. Ranjan Kumar Dubey
For the Pvt. Respt. :	Mr. Bipin Bihari Singh
	Mr. S.K. Ranjan
For the State	Mr. Ajay Bihari Sinha SC19
	Kalpana, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 13-01-2016

Heard learned counsel for the petitioner and learned counsel for the State and learned counsel for the private respondents.

The present application has been filed by the present Mukhiya of Gram Panchayat, Punjwar, District-Siwan making allegation that his predecessor has appointed the persons as Panchayat Teacher on the basis of forged and fabricated certificate submitted by the candidates. Candidates appointed have been made party to this writ application as respondents. On notice some of them have appeared and filed their respective counter affidavits attaching their respective educational certificate including their mark sheets.

The counsel for private respondents has challenged the locus standi of the present petitioner and claimed that the Mukhiya has no locus standi to challenge the appointment of the persons who were validly appointed, as the Unit has its own power to take a suitable action against those persons who have been appointed in the Panchayat, illegally.

However, this Court is not examining the issue of locus standi, as the Mukhiya is not prejudiced, so much so that the persons who have been refused to be appointed, have filed an interlocutory application to be impleaded as petitioner. In the present case, a glaring fact has been brought to notice of this Court that out of 9 persons, 5

have been appointed on the basis of forged and fabricated educational qualification and on that strength they are continuing in service.

The Division Bench of this Court has found that large number of persons have been appointed on the strength of forged certificate, has directed the State to hold an enquiry and if it is found, any teachers who have been appointed on the basis of forged and fabricated certificate, their services not only be dismissed but a proper action should be taken against them. In the present case also the documents attached showing prima facie, some wrong has been done by certain persons in getting the appointment as Panchayat Teacher in the said Panchayat. It can be said that it is ill gotten appointment on the basis of forged and fabricated certificate, is the main cause of deterioration of education standard which has created malady.

This Court directs that this matter be placed before the Commissioner of Saran Division who will call for all the original records with regard to 2nd phase of the appointment of Panchayat Teacher of Panchayat Punjwara with respect to respondents, hold enquiry with respect to educational certificate, for that he will at liberty to make correspondence with the respective Boards and If it is found that any persons have obtained the appointment on the strength of forged and fabricated certificate, their services should be dismissed forthwith not only that but whatever the amount has been paid that

should be recovered from them, so much so that the persons who are behind the appointment they should be taken to task by filing a suitable criminal case against them and also to the persons who have obtained the appointment on the basis of forged certificate.

If certain persons are found to be appointed in a proper manner, it goes without saying that they will be entitled to the salary.

The Commissioner is directed to hold the enquiry and complete the process within six months from the date of receipt/production of a copy of this order and also furnish the enquiry report to this Court.

It is also made clear that the present petitioner, if so advised, may appear and produce the record.

While conducting the enquiry, the Commissioner will give notice to the persons effected.

Accordingly, this petition is disposed of.

(Shivaji Pandey, J)

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