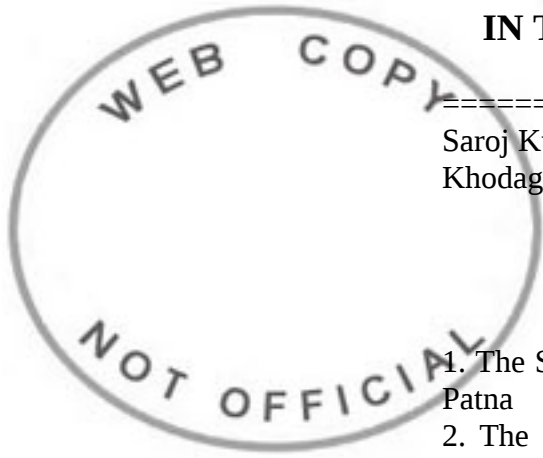




IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5912 of 2013

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Saroj Kumari Wife Of Anil Prasad Resident Of Village- Maidi-Khurd, P.S.-
Khodaganj, District- Nalanda

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Government Of Bihar,
Patna
2. The Secretary, Human Resources Department, Government Of Bihar,
Patna
3. The Director, Department Of Education, Government Of Bihar, Patna
4. The District Magistrate, Nalanda At Biharsharif
5. The District Education Officer, Nalanda, Biharsharif
6. The District Planning Officer, Nalanda, Biharsharif
7. The Block Development Officer, Islampur, Nalanda
8. The Block Education Officer, Islampur, Nalanda
9. The Panchayat Secretary, Gram Panchayat Raj, Panchlova, Islampur,
Nalanda
10. The Mukhiya, Gram Panchayat Raj, Panchlova, Islampur, Nalanda

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Dhananjay Mishra
For the Respondent/s : Mr. Anshuman Singh, G.P.-24
: Mr. Rajeev Shekhar, A.C. to G.P.-24

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

- 5 29-02-2016
1. Heard learned counsel for the petitioner and learned
 counsel for the State.
 2. In the present case, the petitioner has a limited grievance
 that the respondents be directed to pay the salary for the period
 from the date of his joining i.e. 16.08.2010 till the filing of the
 present writ application along with interest.



3. The petitioner obtained appointment of Panchayat Teacher on the strength of Training Certificate, later on, which was found to be forged and fabricated.

4. Earlier, the petitioner has approached this Court in C.W.J.C. No.13070 of 2012, challenging her termination as a Panchayat Teacher on the technical ground that the respondents have violated the principle of natural justice as before passing the termination order, the respondents ought to have at least given the show cause and ought to have asked explanation from her. This Court has interfered with the order of termination with a direction to furnish her show cause along with the materials on which they propose to pass an order, granting her an opportunity to defend her case and pass a reasoned order but the order of reinstatement kept in abeyance till the final decision by the authority.

5. Learned counsel for the petitioner submits that the petitioner has obtained the Training Certificate from Nalanda Training College, Biharsarif, but the document that has been annexed by the State for the purpose of getting her appointed as Panchayat Teacher, where she has stated that she has obtained the training degree from the B.N.R. Training College, Guljarbaugh,



Patna. In the application, the petitioner itself stated that if the documents supplied by her are found to be wrong, her service is liable to be terminated including legal action to be taken by the respondents.

6. In the letter dated 03.02.2012 issued by the District Programme Officer, (Establishment), Nalanda, it has been informed that no examination for the year 1993-95 was conducted, but the petitioner has shown to have done her training course during the Sessions 1993-95 and so much so that appointment unit has also recorded that the present petitioner has produced the fake certificate which disentitles her for the continuation of the service. A person who has obtained the appointment through a fake certificate, such type of appointment does not give any right either to the continuation of the service or to the salary.

7. If this Court directs the respondents to pay the salary, the same will be nothing but a premium to a person who person who obtained appointment on the basis of fake and fabricated document and so much so that she herself in her application has made a declaration that if the testimonials supplied by her are found to be forged and fabricated, the authority will be at liberty to

terminate her service including taking other action as per the Rule.

8. This Court is of the view that the petitioner has obtained the appointment on the basis of forged and fabricated document and, therefore, she cannot be allowed to take fruit of the forgery.

9. Accordingly, this writ petition is dismissed.

(Shivaji Pandey, J)

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