

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22983 of 2011

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Upendra Kumar Chaupal, S/O Sri Raghunandan Chaupal, R/O Village- Kathara,
P.O.- Mohanpur, P.S. + Block- Chhatapur, District – Supaul.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resources Department, Govt. of Bihar, Patna.
2. The Spl. Secretary Cum Director, Primary Education, Human Resources Department, Bihar, Patna.
3. The D.M., District- Supaul.
4. The District Education Officer, Supaul, District- Supaul.
5. The Block Development Officer, Chhatapur, District- Supaul.
6. The Block Education Officer, Chhatapur Block, District- Supaul.
7. The District Teacher Employment Appellate Tribunal, Supaul.
8. The Mukhiya, Gram Panchayat, Kat Hara, P.O.- Mohanpur, P.S.+ Block- Chhatapur, District- Supaul.
9. The Panchayat Secretary, Gram Panchayat Kathara, P.O.- Mohanpur, P.S. + Block - Chhatapur, District- Supaul.
10. Pankaj Udash, S/O Sri Udyanand Mandal, R/O Village- Pithora, P.S.- Narpatganj, District- Araria.
11. Kumari Veena, W/O Jay Prakash Yadav, D/O Sri Ramanand Yadav, R/O Village + P.O.- Baishi, Via- Karjain Bazar, District- Supaul.
12. The Director/Deputy Director, Primary Education, Govt. of Bihar, HRD, New Secretariat, Patna.
13. The Regional Deputy Director, Koshi Division, District- Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Ravi Shankar, Advocate
For the Respondent-State : Mr. Indradeo Prasad, SC-27
For the Respondent-BSEB : Mr. Gyan Shankar, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 20-12-2016

Heard Mr. Kumar Ravi Shankar, learned counsel appearing
for the petitioner, Mr. Indradeo Prasad, learned Standing Counsel No.24
for the State and Mr. Gyan Shankar, learned counsel appearing for the
Bihar School Examination Board. Though served and having appeared
through counsel but there is no representation on behalf of the
respondent no.10.



With the consent of the parties this writ petition has been heard with a view to its final disposal at the present stage itself.

The petitioner is aggrieved by the order of the District Teacher Appointment Appellate Authority, Supaul (hereinafter referred to as the 'Appellate Authority') passed in Appeal Case No.52 of 2011 impugned at Annexure-1, whereby the appointment of the petitioner to the post of Panchayat Teacher in the Navsrijit Primary School, Kalanand, Sah Tola in the district of Supaul has been cancelled on grounds that the Intermediate certificate produced by him in support of his educational qualification was found to be forged.

Mr. Kumar Ravi Shankar, learned counsel appearing for the petitioner with reference to Annexures 2 and 3 of the writ petition has submitted that the appointment of the petitioner to the post of Panchayat Teacher was carried out after verification of the documents and on being satisfied. He submits that in view of the conflicting report of the Bihar School Examination Board present at Annexure-5 series that a doubt was created as regarding the Intermediate qualification of the petitioner and which was followed by a letter bearing no.21 dated 22.12.2010, whereby the Appointment Committee under the signature of the Panchayat Secretary has proceeded to cancel the appointment of the petitioner from the post of Panchayat Teacher, a copy of which order is impugned at Annexure-4. He submits that the petitioner questioned the order before the 'Appellate Authority' but who has not bothered to examine the Intermediate certificate and following the termination of the petitioner



that the respondent no.10 was appointed in his place.

Mr. Kumar Ravi Shankar, learned counsel appearing for the petitioner has referred to the documents present at Annexure-6 series to submit that the petitioner applied before the Bihar School Examination Board for obtaining a fresh certificate which confirms that there is no illegality in the Intermediate qualification of the petitioner nor in the certificate issued. It is stated that there is some discrepancy in the enlisting number but which also was corrected subsequently. According to the learned counsel, an unnecessary ghost was created on account of conflicting report present at Annexure-5 and which has led to the termination in question by order present at Annexure-4 and the Appellate Authority mechanically has endorsed the same. It is also submitted by learned counsel for the petitioner that the respondent no.10 who was appointed on the post has since resigned from the post in the meanwhile.

While the counsel for the State has referred to the order impugned, Mr. Gyan Shankar, learned counsel appearing for the Bihar School Examination Board has affirmed the contention of the petitioner on the genuineness of his qualification in reference to the counter affidavit filed on behalf of the Bihar School Examination Board.

Having heard learned counsel for the parties and considering that the only obstacle in the way of the petitioner to the post of Panchayat Teacher is the Intermediate qualification and which issue has been put at rest by the affidavit of the Bihar School Examination Board who has confirmed that the Intermediate qualification possessed by the



petitioner is valid, the order of termination of the petitioner impugned at Annexure-4 and together with its affirmation by the ‘Appellate Authority’ vide Annexure-1 are rendered unsustainable and are accordingly quashed and set aside.

The writ petition is allowed. The petitioner is restored to his post of Panchayat Teacher. Since the respondent no.10 who was appointed on the post in place of the petitioner, he shall obviously have to make way for the petitioner.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25-12-2016
Transmission Date	NA

