

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2450 of 2012

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Rekha Kumari, aged about 35 years, W/O Dinesh Singh, Resident Of Village - Baruna, P.O. Chipura Khurd, P.S. Gauarichak, District Patna

.... Petitioner

Versus

1. The State Of Bihar
2. The Member, District Teacher Appointment Appellate Tribunal, Golghar, Patna
3. The District Magistrate, Patna
4. The District Superintendent of Education, Patna
5. The Block Development Officer, Parsa, Distt Patna
6. Gram Panchayat, Chipura Khurd, Sampatchak through Its Mukhiya, Chipura Khurd, P.S. Gaurichak, District- Patna
7. The Mukhiya Gram Panchayat Chipura Khurd, Sampatchak, P.S. Gaurichak, District Patna
8. The Panchayat Secretary, Gram Panchayat, Chipura Khurd, Sampatchak, P.S. Gaurichak, District - Patna
9. Neeta Kumari, W/O Sri Bajrangi Kumar Singh, Village - Baruna, P.O. Chipura Khurd, P.S. Gaurichak, District- Patna
10. The Bihar School Examination Board (Higher Secondary) Patna through Its Secretary
11. The Secretary, Bihar School Examination Board (Higher Secondary), Patna

.... Respondents

With

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Civil Writ Jurisdiction Case No. 18378 of 2011

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Rekha Kumari , aged about 34 years, Wife of Dinesh Singh, Resident Of Village- Baruna, P.O.- Chipura Khurd, P.S. - Gaurichak, District-Patna

.... Petitioner

Versus

1. The State of Bihar
2. The Bihar School Examination Board (Higher Secondary), Budh Marg, Patna through Its Secretary
3. The Deputy Secretary, Bihar School Examination Board (Higher Secondary), Budh Marg, Patna
4. The District Superintendent of Education, Govt. Of Bihar, Patna

.... Respondents

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Appearance :

(In CWJC No.2450 of 2012)

For the Petitioner : Mr. Mukesh Kumar Singh, Advocate

For the Respondents : Dr. Anil Kr Uapdhyay SC 2

For the B.S.E.B. : Mr. Ranjit Sinha, Advocate

(In CWJC No.18378 of 2011)

For the Petitioner : Mr. Mukesh Kumar Singh, Advocate



For the Respondents : Mr. Deepak Sahay Jamuar, AC to AAG 4
For the B.S.E.B. : Mr. Ranjit Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT
Date: 19-12-2016

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

2. CWJC No. 2450 of 2012 has been filed for quashing of the order dated 05.01.2012 passed by District Teacher Appointment Appellate Tribunal (hereinafter 'the Tribunal') Respondent No. 2 herein, in Case No. 20/2011, whereby the petitioner's appointment as Shiksha Mitra and further her absorption as Panchayat Teacher has been held illegal, and further the respondents have been directed to terminate her services and lodge an F.I.R. against her and to recover the amount which has been received by the petitioner as her salary; and for connected reliefs.

3. CWJC No. 18378 of 2011 has been filed for quashing of the order dated 14.08.2009 as contained in letter no. BSEB(ss)/DS/VER 263/2009, issued under the signature of the Deputy Secretary, Bihar School Examination Board (Higher Secondary), Budh Marg, Patna (Respondent no. 4), whereby it has been communicated that the petitioner has secured a total of 524 marks in I.Sc. Science Examination of the year 1993 and placed in the IInd Division.

4. Inasmuch as the facts involved in the two writ petitions are largely common, both writ petitions are taken up together for



disposal at the admission stage itself with consent of the parties.

5. Learned counsel for the petitioner submits that the petitioner was appointed as Shiksha Mitra in the year 2005 and subsequently absorbed as Panchayat Teacher on the basis of the marks obtained in I. Sc. (Biology) in 1st Division having secured 60.44% marks. The grievances in the present writ petitions relate to the mark sheet of the petitioner held to be forged and fabricated on the basis of which appointment is said to have been obtained by her. It has been alleged that in fact she has passed I. Sc. in the 2nd Division having obtained 524 marks but the register has been interpolated to show that she has passed in 1st Division with 544 marks. The petitioner earlier approached this Court in CWJC No. 13152 of 2008 which was disposed of with a direction to the Appellate Authority to consider the matter on its own merit on the basis of the records.

6. In the impugned order dated 14.08.2009 of CWJC No. 18378 of 2011, the Board confirmed to the District Superintendent of Education, Patna on the basis of the available records that the petitioner had secured a total of 524 marks and was placed in the 2nd Division. The Appellate Authority in paragraph 16 of its order dated 05.01.2012 impugned in CWJC No. 2450 of 2012 has, inter alia, taken due note of the aforesaid letter of the Board dated 14.08.2009 in concluding that the mark sheet of the petitioner contains interpolation as narrated above, leading to termination of the petitioner's



appointment. It is submitted that the findings of the Board as well as of the Appellate Authority are wrong and baseless.

7. Learned counsel for the private respondent no. 9 of CWJC No. 2450 of 2012 relies on the counter affidavit to submit that the order of the Appellate Authority has rightly been passed which is clear from the finding that the petitioner has indulged in committing forgery and interpolation. He refers to various aspects enumerated in paragraph 15 of the impugned order which clearly shows the manner and nature of forgery committed by the petitioner. He also relies on the extract of the result issue register (Annexure-B to the counter affidavit), according to which the petitioner has passed in 2nd Division and the same has been duly signed by the petitioner.

8. Having heard learned counsel for the parties and on careful consideration of the materials on record, this Court is of the view that the nature of the grievance of the petitioner involves issues of fact which are in serious dispute. The petitioner has challenged the findings recorded in the impugned order of the Appellate Authority and on the other hand, the respondent no. 9 relies on various materials to indicate the nature of the forgery committed by the petitioner. It is relevant to note here that no rejoinder to the said counter affidavit has been filed on behalf of the petitioner to controvert the facts stated therein, despite the fact that a copy of the counter affidavit has been served upon her as far back as on 27.06.2016 itself.



9. In the above view of the matter, this Court is not inclined to interfere with the impugned orders. Both the writ petitions accordingly stand dismissed.

(Vikash Jain, J)

B.T/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	23.12.2016
Transmission Date	N.A.

