

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2894 of 2013

=====

Jit Ram S/o Sri Bhagwan Ram R/o Village & P.O.-Sonbarsha, P.S.-Charpokhari,
Distt-Bhojpur(Arrah).

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Human Resources Development, Govt. of Bihar, New Secretariat, Patna
3. The Director, Primary Education, Department of Human Resources Development, Govt. Of Bihar, New Secretariat, Patna
4. The Chairman, District Level Education Appellate-Tribunal, Arrah, Distt-Bhojpur(Arrah)
5. The District Programme Officer, Primary Education And Sarva Shiksha Abhiyan, Bihar Shiksha Pariyojna Parishad(District Level Office, Patna), Jagdeopath, Bailey Road, Patna-800014
6. The District Superintendent Of Education, Bhojpur, Distt-Bhojpur(Arrah)
7. The Sub-Divisional Education Officer, Sub-Division....., Distt-Bhojpur(Arrah)
8. The Area Education Officer, Udawant Nagar-Cum-Incharge Officer, District Teachers Appointment, Bhojpur (Arrah)
9. The Block Education Officer, Block-Charpokhari, Distt-Bhojpur(Arrah)
10. The Mukhiya, Gram Panchayat Raj, Sonbarsa, Block-Chapokhari, P.O.&P.S.-Sonbarsha, Distt-Bhojpur(Arrah)
11. The Panchayat Secretary, Gram Panchayat Raj, Charpokhar, P.S.&P.S.-Sonbarsha, Distt-Bhojpur(Arrah)
12. Sri Satya Narayan Prasad S/O Mangal Prasad R/O Vill-Kusumhi, P.O.-Sonbarsha, Via-Piroo, P.S.-Charpokhari, Distt-Bhojpur at Arrah.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. ATUL KUMAR PANDEY

For the Respondent/s : Mr. P.N. SAHI

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 18-01-2016

Heard learned counsel for the petitioner and learned
counsel for the private respondent.

In the present case, the petitioner is challenging the order
dated 27th March 2012 passed in Appeal No. 316 of 2010 challenging

the appointment of the private respondent, namely, Satya Narayan Prasad.

It appears that the petitioner and Satya Narayan Prasad had applied for the post of Panchayat Teacher under Sonbarsha Panchayat.

The present petitioner does have the qualification of Intermediate with 58.88% of marks whereas Satya Narayan Prasad has only 58.33% marks. Satya Narayan Prasad was appointed on the basis of weightage granted to him on account of having a Training Certificate.

Right from the beginning, the petitioner has taken a plea that the private respondent has produced a fake and forged Certificate of training and wrongly acquired the weightage of 20 marks. In fact, the present petitioner has a higher marks than the private respondent but the Appellate Tribunal refused to pass the order in favour of the present petitioner on the ground that he could not produce any material to show that the Training Certificate produced by the private respondent was a fake and fabricated document.

It appears that this Court, in Division Bench looking volumes cases in which fake certificates have been filed, directed for enquiry of the certificates, appointed as Panchayat Teacher and take a suitable action against the persons who were in service on the basis of

fake and fabricated certificate.

On the basis of direction of this Court, the State Government has initiated an inquiry, giving a liberty to the persons, whoever are in service on the basis of fake certificate themselves resign from the respective post, the Government will not take any disciplinary action.

In view of the letter issued by the State Government, respondent no. 12 himself resigned from the his post, in pursuance thereof, respondent No. 12 is no longer in service.

Counsel for the petitioner submits that as the vacancy has fallen vacant on account of resignation of respondent No. 12, the petitioner is a 2nd person should be accommodated on that post, as with regard to the petitioner only question was raised before the Appellate Tribunal with regard to the appointment of respondent No. 12.

In such view of the matter, as respondent No. 12 was appointed on the post of Panchayat Teacher on the strength of forged and fabricated certificate, accordingly, the order passed by the Appellate Authority is quashed and the matter is remanded back to the Appellate Tribunal where the case of the petitioner be considered by the Tribunal. With regard to the vacancy created on account of resignation of respondent No. 12, the Tribunal will give fresh

consideration to this aspect of matter.

With the above observation/direction, this petition is
allowed.

(Shivaji Pandey, J)

Mahesh/-

U			
---	--	--	--