

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8323 of 2013

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Ashok Kumar Yadav Son Of Sri Ganga Yadav Resident Of Village - Sisai, P.S.
And District - Saharsa

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Old Secretariat, Bihar, Patna
2. The Principal Secretary, Human Resources Development Department,
Government Of Bihar, Patna
3. The Commissioner, Koshi Division, Saharsa
4. The District Magistrate, Saharsa
5. The District Teachers Appointment Appellate Authority, Saharsa
6. The Block Development Officer, Sattar Katiaiya, District - Saharsa
7. The Mukhia, Gram Panchayat , Aukahi, P.S. Bihra, District - Saharsa
8. The Panchayat Secretary, Gram Panchayat Aukahi, P.S. Bihra, District -
Saharsa
9. Sita Ram Kumar @ Sita Ram Yadav Son Of Sri Lakhan Yadav Resident Of
Village - Dumma, P.S. Bihra, District - Saharsa

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Adv.

For the Pvt. Respondent : Mr. Pramod Mishra, Adv.

Mr. Arun Kumar

For the State : Mr. Ramadhar Singh, GP-25

Mr. Upendra Pd. Singh, AC to GP-25

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 24-10-2016

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

In this case, the petitioner is challenging an order dated
7.2.2013 passed in Appeal Case No. 7 of 2011, 9 of 2011, 25 of 2011 and
14 of 2012.

The matter relates to appointment of Panchayat Teacher with
respect to Panchayat Raj Aukahi. The petitioner and the private respondent
no.9 have applied for the post under the B.C. Category. The petitioner has
secured 51.1% marks in Intermediate and when added 20 marks of

experience certificate, it comes to 71.1%. The private respondent has obtained 63.33% in the Intermediate and when added 20 marks of experience certificate of Sarva Shiksha Abhiyan, it becomes 83.33%.

Learned counsel for the petitioner submits that the experience certificate submitted by the private respondent is completely forged and fabricated which is non-sustainable in the eye of law in view of the findings of the Tribunal that he has called the Register containing the name of teachers who were engaged in the voluntary service of School Chalo Abhiyan and the name of petitioner stands at serial no. 390 whereas the name of the private respondent stands at serial no.344 and, after the examination of the records, it was found by the Tribunal that the plea of the petitioner does not sustain. When the register has been maintained in due course of business, it has evidentiary value and cannot be dislodged lightly. In view of the findings recorded by the Tribunal after perusal of the record, the stand taken by the petitioner with regard to private respondent having a fake certificate of experience is not sustainable.

In the result, This application is not maintainable and is, accordingly, dismissed.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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