

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.24784 of 2013

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1. Radha Devi Wife of Late Mungalal Ram
 2. Arun Kumar Ram S/o Late Mungalal Ram
 3. Tarun Kumar Ram S/o Late Mungalal Ram
 4. Barun Kumar Bharti S/o late Mungalal Ram

All residents of Village + P O – Raghunathpur, P.S. Jadiya,
District – Supaul.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Education Department, Bihar, Patna
2. The District Magistrate, Supaul, Supaul
3. The District Education Officer, Supaul, Supaul
4. The Block Education Officer Triveniganj, Supaul
5. The Accountant General, Bihar , Patna
6. The Chairman, Bihar School Examination Board, Patna
7. The Secretary, Bihar School Examination Board, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. KUMAR GOUTAM

For the Respondent/s : Mr. SHASHI BHUSHAN KUMAR, SC 7

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 30-01-2016

Husband of petitioner No.1 worked as an Assistant Teacher and later on as a Headmaster in the school in question. He superannuated some time in the year 2012 and expired in the year 2014. Petitioners i.e. wife and sons, are now before this Court seeking quashing of the order dated 21.09.2012, passed by the District Education Officer, Supaul. By virtue of this order, the authorities have, on a complaint, verified the position from the Bihar School Examination Board that the husband of petitioner No.1 had never passed teachers training examination from Bihar School Examination Board. Since employment or advantage of the post was taken on the basis of such a fraudulent degree, respondent authorities have decided to initiate process for recovery and even a certificate case has been filed.

Since the husband of petitioner No.1 had obtained advantage of the training certificate, which was a fraudulent document, the entire benefit which he drew, cannot be retained by him because it was based on a fraudulent misrepresentation as well as an act of deceit practised by the husband of petitioner No.1.

This Court is not impressed by the fact that widow is before this Court and the employee is no more.

Writ application, therefore, is dismissed.

Let the petitioners take whatever objection they would like to take before the Certificate Officer in this regard but the Court cannot come to the rescue of the petitioners because sin of the deceased employee has to visit them especially when they are claiming some benefit by virtue of death of the ex-employee.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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