

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15160 of 2014

Most. Sanjula Devi, wife of Late Deo Nandan Pd. Singh, resident of village Sirari,
P.S. AND District Sheikhpura, presently residing with his father Kapildeo Singh
Village Pratappur P.S.- Barahiya, District- Lakhisarai

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Govt. of Bihar, Patna
2. The Regional Deputy Director (Education), Munger
3. The District Education Officer, Lakhisarai
4. The District Programme Officer (Establishment), Lakhisarai
5. The District Education Officer, Sheikhpura
6. The District Programme Officer (Establishment), Sheikhpura
7. The District Magistrate cum Chairman District Compassionate Committee,
Sheikhpura
8. The Regional Education Officer, Lakhisarai

.... Respondents

Appearance :

For the Petitioner/s : Mr. Ram Vinay Pd. Singh @ Sanjay, Advocate
Mr. Bipin Kumar, Advocate

For the Respondent/s : Mr. S.A. ALAM, SC-3
Mr. Mahtab Alam, AC to SC-3

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 29-03-2016

The petitioner is widow of late Deo Nandan Prasad Singh, who died in harness while service as Assistant Teacher in Middle School, Chewara under Sheikhpura District.

2. The District Compassionate appointment committee in its meeting dated 29.06.2007, headed by the District Magistrate, Sheikhpura made recommendation for compassionate appointment on Class-IV post. The petitioner was subsequently appointed as a Peon on compassionate ground in the year 2007. However, her services was terminated on 02.08.2013 on the ground



that she secured compassionate appointment on a forged class-VIII certificate from a local school in the district of Sheikhpura. This Court vide order, dated 04.03.2014, passed in C.W.J.C. No. 19138 of 2013 quashed the order of termination, dated 02.08.2013, and the matter was remanded to the Regional Deputy Director, Munger Division, Munger, as the said order was passed without providing an opportunity of hearing to the petitioner.

3. On remand, the Regional Deputy Director, Munger Division, Munger after providing hearing to the petitioner again terminated her service vide order 30.06.2014 on the ground that she got appointment on the basis of forged Class-VIII certificate.

4. The petitioner has assailed the impugned order on the following grounds: She submits that five of her family members were killed by her relatives in order to grab the share of her husband. She submits that her relatives had inserted a forged certificate of Class-VIII pass from the local Middle School, Gangari, Sheikhpura. She submits that she passed Class-VIII examination from B.N.M.D. High School, Lakhisarai, which is at her paternal place. However, her relatives with ulterior motive has inserted Class-VIII pass certificate of Middle School, Gangari, Sheikhpura. The petitioner submits that she passed her VIII examination while she was unmarried from B.N.M.D. High School, Lakhisarai and she never passed Class-VIII

after her marriage from Sheikhpura district. The petitioner in support of her submission has annexed certificate of B.N.M.D High School, Lakhisarai as well as copy of the attendance sheet of the said school.

5. I find that the aforesaid documents have not been considered by the Regional Deputy Director, Munger Division, Munger, as such, the matter is remanded to respondent no.2 (Regional Deputy Director, Munger Division, Munger) for fresh consideration in accordance with law after providing an opportunity of hearing to the petitioner or her representative.

6. It is expected that fresh order would be passed within a period of three months from the date of receipt of a copy of this order.

7. The impugned order would be subject to final adjudication of the matter by respondent no.2.

8. This application stands disposed of.

(Samarendra Pratap Singh, J.)

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