

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 10802 of 2011

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Md.Asgher Ali S/O Late Abdul Hafiz Ansari R/O Vill.- Patiyan, P.S.-
Sasaram, Distt.- Rohtas (Sasaram)

.... Petitioner

Versus

1. The State of Bihar through the Secretary-cum-Commissioner, Human Resources Development Department, Bihar, Patna
2. District Teachers Employment Appellate Tribunal, Rohtas (Sasaram), through its Member, Rohtas (Sasaram)
3. District Magistrate, Rohtas (Sasaram)
4. District Superintendent of Education, Rohtas (Sasaram)
5. Block Education Extension Officer, Sasaram, Rohtas (Sasaram)
6. Block Development Officer , Sasaram,Rohtas
7. Mukhiya, Gram Panchayat Sikaraul, P.S.- Sheosagar, Distt.- Rohtas (Sasaram)
8. Panchayat Secretary, Gram Panchayat Sikaraul, P.S.- Sheosagar, Distt.- Rohtas (Sasaram)
9. Md. Aftab Ansari S/O Md. Sabir Ansari R/O Vill.- Naudiha, P.S.- Sheosagar, Distt.- Rohtas(Sasaram)

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Kumar Sunil

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6. 04-07-2016 In the present writ petition filed under Article 226 of the Constitution of India, the petitioner has mainly prayed for quashing of an order dated 25-04-2011 passed by the District Teachers Employment Appellate Tribunal, Rohtas at Sasaram in Case No. 72 of 2010. By the said order, the appeal preferred by the petitioner for cancelling the appointment of respondent no. 9, as Panchayat Teacher, was rejected.

A specific plea has been taken in the writ petition that



the petitioner was having higher marks than the respondent no. 9. It has been alleged by petitioner that on the basis of forged experience certificate, the respondent no. 9 was provided employment. It was submitted by learned counsel for the petitioner that in this case, the then Mukhiya and Panchayat Secretary have connived to give undue favour to private respondent.

In this case, earlier notice was directed to be issued to all the respondents. Despite repeated valid service of notice, to the reasons best known to them, the respondent no. 7/Mukhiya and respondent no. 8/Panchayat Secretary have preferred not to appear, whereas, respondent no. 9, who was appointed as Panchayat Teacher, has appeared in this case through his advocate by filing vakalatnama in the year 2011 itself, however, no counter affidavit has been filed on behalf of him also.

In this case, only counter affidavit on behalf of respondent no. 4 has been filed, in which, it has been indicated that order has been passed by the District Teachers Employment Appellate Authority and necessary party is Panchayat Secretary.

Since no response has been shown on behalf of concerned respondents and there is allegation on oath that fraud has been committed, the Court is of the opinion that matter

requires investigation.

Accordingly, Vigilance Investigation Bureau through its Superintendent of Police is directed to conduct an enquiry and thereafter, if the investigating agency is satisfied that criminal offence has been committed, then institute a regular case and investigate the same for its logical end.

Earlier, Mr. Rama Kant Sharma, learned Senior Law Officer for Vigilance Department had appeared.

Let a copy of this order be handed over to Sri Sharma, learned Senior Law Officer for Vigilance Deptt. for its communication to the Vigilance Investigation Bureau to enquire the matter. It is made clear that as and when approached by the Investigating Agency, the Registry will provide duly attested copy of entire brief to the Investigating Agency.

The writ petition stands disposed of.

(Rakesh Kumar, J.)

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