

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5158 of 2013

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Jawahar Lal Ram Son Of Late Chabinath Prasad Resident Of Village- Farhangpur,
P.S.- Chandi, District- Bhojpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate-Cum-Chairman, Compassionate Appointment Committee, Bhojpur
3. District Education Officer, Bhojpur, Ara
4. Subash Ram S/O Chabinath Ram R/O Vill.- Farhangpur P.S.- Chandi, District- Bhojpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gopal Govind Mishra, Adv.

For the State : Mr. Sunil Kr. Mandal, SC-24

Mr. Arjun Prasad, AC to SC-24

For the Resp. No.4 : Mr. Rabindra Prasad Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 04-02-2016

Heard learned counsel for the petitioner and counsel for the State as also counsel for the private respondent no.4.

In this case, the petitioner is seeking relief of appointment on compassionate ground. Subash Ram and the present petitioner Jawahar Lal Ram are sons of Late Chabinath Prasad. The present petitioner is the son from the second wife whereas Subash Ram is the son from the first wife. Earlier, it appears that Subash Ram has applied for compassionate appointment and, in the event of non-selection, he approached to the Lokayukt and the Lokayukt started enquiry and asked the State authorities to find out reasons for non-



selection on compassionate ground and an enquiry, with regard to educational certificate, was conducted. The then Headmaster was asked to verify the certificate issued from his institution. On perusal of the same, Sri Budhan Ram, who was the then Headmaster of the school, refused to recognize the certificate filed by Subash Ram and declared the same to be fabricated and forged certificate. On the basis of the enquiry, the District Education Officer, Bhojpur, Arah vide letter dated 19.1.2008 submitted a report to the District Magistrate, Bhojpur, Arah where he has specifically recorded that he had made an enquiry with regard to educational certificate of Subash Ram, examined the school records which was shown to be in mutilated condition bearing signature of Budhan Ram which appears to be suspicious. The records show that Subash Ram was admitted to the school by a previous Headmaster who has refused to recognize the signature and arrived at a conclusion that the certificate, produced by him, is suspicious document. The District Education Officer, Bhojpur, Arah again, vide letter dated 19.1.2008, wrote a letter to the office of the Lokayukt where he has mentioned specifically and categorically that the certificate produced by Subash Ram is a fake and fabricated document and, on that basis, the claim of Subash Ram could be entertained. It also appears that Budhan Ram wrote a letter dated 7.6.2008 (Anexure-6) to the District Education Officer, Bhojpur in



which he has again reiterated the claim what he has made earlier and again the District Education Officer, Bhojpur wrote a letter dated 30.6.2008 to the District Magistrate, Bhojpur reiterating the same and gave a finding of fraudulent document with regard to educational certificate. It appears that Subash Ram has filed writ application, CWJC No. 10122 of 2012 and this Court had passed an order on 19.6.2012 directing the respondents to consider the case of appointment of the petitioner, Subash Ram on compassionate ground. It appears that the order was passed without giving indulgence to the private respondent no.5 and so much so that Subash Ram also did not bring materials on record that has been dealt with earlier showing the findings recorded by authorities with regard to certificate which has been brought is fake and fabricated and obtained an order in his favour which amounts to suppression of fact.

Learned counsel for the respondent no.4 Subash Ram has further submitted that he has filed contempt application, MJC No. 2716 of 2013 and a notice has been issued to the authorities to show cause for violating the order passed by this Court.

In view of the aforesaid fact, this Court feels that Subash Ram case is based on his certificate which has not been recognized by the respondent authorities as the same has been found fake and fabricated. Learned counsel for the Subahs Ram has relied on another



letter of Budhan Ram dated 26.2.2008 who was the then Headmaster wherein it has been stated that the present petitioner had entered into the house while he was ailing taking advantage of darkness the present petitioner obtained the letter against Subash Ram with regard to his educational certificate which is an act of fraud of the present petitioner Jawahar Lal Ram whereas Budhan Ram subsequently again wrote a letter dated 2.6.2008 reiterated fraudulent nature of document. There is also a mark difference with the letter that has been brought by the Respondent no.4 by way of letter dated 26.2.2008, Annexure-A, being a typed letter, bearing only a signature of Budhan Ram and, that too, of an earlier date which itself creates a serious doubt about the genuineness of the document.

In such view of the matter, admittedly, Subash Ram has obtained the order without bringing the actual facts to the notice of this Court as has been discussed above and obtained the order ex-parte without giving notice to the present petitioner and the same cannot be the basis for his appointment on compassionate ground. The District Magistrate has refused to consider the case of the present petitioner in terms of the letter of the State Government.

In view of the aforesaid discussions, Subash Ram obtained an order on the basis of fabricated educational certificate. Let the

District Magistrate, Bhojpur consider the case of the present petitioner with regard to appointment on compassionate ground in accordance with law within a period of six months from the date of receipt/production of a copy of this order. The District Magistrate, while considering the case of the present petitioner, will also examine the certificate produced by him.

The Office is directed to place the record of the present case with MJC No. 2716 of 2013 for consideration.

(Shivaji Pandey, J)

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