

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.6861 of 2013**

=====

1. Barun Kumar S/O Sukhdeo Prasad Yadav R/O Village + P.O. And P.S.-  
Chandaul, District- Saharsa

.... .... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Department Of Education,  
Government Of Bihar, Patna
2. The Director, Primary Education, Government Of Bihar, Patna
3. The Regional Deputy Director Of Education Koshi Commissioner, Saharsa
4. The District Education Officer, Supaul
5. The District Programme Officer (Establishment), Supaul
6. The District Teachers Selection Appellate Authority, Supaul
7. The Block Education Officer, Raghapur, District- Supaul
8. The Block Development Officer, Raghapur, District- Supaul
9. Prakhanda Pramukh, Raghapur, District- Supaul
10. The Headmaster Upgraded Middle School, Jahalipatti, Raghapur, District-  
Supaul

.... .... Respondent/s

=====

**Appearance :**

|                      |   |                                                                  |
|----------------------|---|------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Amrit Abijat, Advocate                                       |
| For the State        | : | Mr. Sharad Kumar Sinha, GP15<br>Mr. Amit kumar Anand, AC to GP15 |
| For the Board        | : | Mr. Girijesh Kumar, Advocate.                                    |

=====

**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

**ORAL JUDGMENT**

**Date: 27-06-2016**

Heard learned counsel for the petitioner and learned  
counsel for the State as well as Bihar School Examination Board.

In the present writ petition, petitioner is challenging the  
order dated 30.4.2011 passed by the District Teachers Selection  
Appellate Authority, Supaul by which the Tribunal has found that  
petitioner has used forged certificate and recorded that on the  
strength of that certificate he has obtained the service.



An advertisement was published for the appointment of Prakhand Teacher in Up-graded Middle School Jahalipatti Raghopur, Supaul. Petitioner and others have applied for physical teachers and in order to obtain the service he has produced a certificate of passing physical training examination. The appointing committee after looking to his marks obtained in the examination was appointed as physical teacher. Accordingly the petitioner joined in the Up-graded Middle School Jahalipatti Raghopur. The Block Education Officer vide his letter no.267 dated 10.10.2010 prevented him from performing his duty in the School and also did not allow to mark his attendance, which compelled him to approach the Tribunal, Supaul. The Tribunal considered the case and recorded a finding that the certificate on the basis of which the petitioner has obtained service is a forged certificate. The order has been challenged in the present writ petition.

This Court has directed the Bihar School Examination Board to verify the certificate furnished by the petitioner, whereupon the Board verified the certificate and found that the certificate of the physical training submitted by the petitioner is completely forged and fabricated. It will be relevant to quote paragraph nos. 6 and 7 of the counter affidavit of the Board:



“6. That it is respectfully submitted that in due obedience to the aforesaid direction immediate action had been undertaken by the Board to verify the records and from perusal of the same it has been found that no examination of Diploma in Physical Education (D.P.Ed/Certificate in Physical Education (C.P.Ed) had been conducted by the Board in the year 1998 and as such the alleged certificate of physical education in the name of the petitioner showing that the examination to be held in 1998, (which is at page 16 of the brief) is out rightly false, fictitious and fraudulent.

7. That it is categorically asserted that since no examination of physical education had been conducted by the Board in the year 1998 hence the question of issuance of certificate in this regard by the Board does not arise and as such the alleged certificate enclosed at page 16 of the brief by the petitioner is categorically denied.”

In such circumstances, there is no iota of doubt that the petitioner has submitted forged certificate and on that basis he obtained the service. When he has been caught then he tried to justify that he has produced correct certificate, so much so he has also approached this Court claiming the certificate is correct. If a person does not come with clean hand meaning thereby he is completely trying to mislead the Court and wants to snatch the order by one way or other.

In view of the order of the Appellate Tribunal this Court felt compelled to verify the status of the certificate filed by the petitioner. This is one of the case where the petitioner is consistently insisting that the certificate is correct certificate

knowing it well, the certificate is bogus.

In such circumstances, this Court feels that merely dismissing the petition will not be doing justice. Accordingly this petition is dismissed with a cost of Rs.30,000/-(thirty thousand) against the petitioner and that amount should be deposited IN Patna High Court, Legal Services Authority and submit the receipt in the office of the Collector, Supaul within a period of one month from today. If he fails to deposit the aforesaid amount, the Collector, Supaul will recover the amount as arrear of land revenue along with interest.

As the petitioner has filed a bogus certificate, the District Programme Officer (Establishment), Supaul is directed to file a criminal case against the petitioner.

Let this order be communication to the Collector, Supaul for necessary action.

According this writ petition is dismissed.

Vinay/-

(Shivaji Pandey, J)

|                   |           |
|-------------------|-----------|
| AFR/NAFR          | NAFR      |
| CAV DATE          |           |
| Uploading Date    | 12.7.2016 |
| Transmission Date |           |