

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12922 of 2011

=====

Praveen Kumar S/O Late Uchit Narayan Poddar, resident of Village-
Chakka, P.O.- Chhatauna, P.S.- Navkothi, Distt.- Begusarai

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Begusarai
3. The District Superintendent of Education, Begusarai
4. The District Teacher Employment Appellate Authority, Begusarai
through Its Member
5. The Mukhia, Gram Panchayat Raj, Rajapur, P.O.- Rajapur, P..S-
Navkothi, Distt.- Begusarai
6. The Panchayat Secretary, Gram Panchayat Raj, Rajapur, P.O.- Rajapur,
P..S- Navkothi, Distt.- Begusarai
7. Rajesh Raman S/O Ram Padarath Singh , resident of village & P.O.-
Samsa, Police Station- Navkothi, Distt.- Begusarai

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Arun Kumar Rai, Adv.

For the Respondent/s : Mr. AC to GP-1

Mrs. Archana Prasad, Adv.

Mr. Pankaj Kumar Sinha, Adv.

Mr. Kamal Kishore Jha, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

9 25-10-2016 Heard Sri Arun Kumar Rai, learned counsel for the

petitioner, learned AC to GP-1, Smt. Archana Prasad, learned
counsel for the Respondent no.6/Panchayat Secretary, Gram
Panchayat Raj, Rajapur, Begusarai and Sri Pankaj Kumar Sinha,
learned counsel, who was assisted by Sri Kamal Kishore Jha,
learned counsel for the Respondent no.7.

The petitioner has approached this Court, invoking
its writ jurisdiction under Article-226 of the Constitution of India,

with a prayer to direct the Respondents to act as per direction issued by the District Teachers Employment Appellate Authority, Begusarai (hereinafter referred to as the “Appellate Authority”) vide its order dated 29.05.2010 passed in Case no.1097/2009.

Short fact of the case is that the petitioner in the selection process for appointment of Panchayat Teacher had participated in the year 2006. It was claimed by the petitioner that Respondent no.7, on the basis of forged marksheet, was appointed. The case of the petitioner is that he had obtained 501 marks, whereas actual marks of Respondent no.7 was 485. However, He produced forged marksheet showing 583 and on the basis of such forged marksheet, Respondent no.7 was appointed. Though Respondent no.7 was appointed in the year 2006, the petitioner had approached the District Teachers Employment Appellate Authority, Begusarai in the year 2009 vide Complaint Case no.1097 of 2009. The Appellate Authority after considering the matter simply disposed of the case with direction to the appointing authority to conduct an enquiry regarding marksheet of Intermediate in respect of Sri Rajesh Raman, who has been impleaded as Respondent no.7 in the present case.

In this case, a detailed counter affidavit has been filed on behalf of Respondent no.6 and it has been indicated that

he joined as Panchayat Secretary in the year 2014 and after examination of the record, he noticed that in the year 2011, the Secretary, Intermediate Council, Bihar, Patna was requested by the then Panchayat Secretary regarding verification of Marksheet and subsequently, the Bihar Intermediate Council Board had confirmed that the marsheet of Respondent no.7 was genuine.

In view of facts disclosed in the counter affidavit, it is evident that in compliance of the order of the appellate authority, an enquiry was got conducted and in the enquiry, no illegality in respect of marksheet of Respondent no.7 was found.

Accordingly, the Court is of the opinion that no relief can be granted to the petitioner. The writ petition stands dismissed.

(Rakesh Kumar, J)

NKS/-

U			
---	--	--	--