

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.160 of 2017
IN
Civil Writ Jurisdiction Case No. 8297 of 2010**

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1. Mahboob Alam, son of Md. Azizul Haque, resident of Village- Islampur, Police Station- Nanpur, District- Sitamarhi.

.... Appellant/s

Versus

1. The State of Bihar.
2. The Member, District Teachers Employment Appellate Authority, Sitamarhi.
3. The District Superintendent of Education, Sitamarhi.
4. Mukhia, Gram Panchayat Raj Mohani, Block Manpur, Police Station Nanpur District- Sitamarhi.
5. Panchayat Secretary, Gram Panchayat Raj Mohani, Block Nanpur, Police Station Nanpur, District- Sitamarhi.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Lalan Kumar Singh, Advocate

For the Respondent/s : Mr. Ashutosh Ranjan Pandey- AAG-15

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 15-05-2017

Seeking exception to an order dated 20.12.2016 passed by the learned Writ Court in C.W.J.C. No.8297 of 2010, this appeal has been filed under Clause 10 of the Letters Patent.

Respondent Md. Murtaza had filed the writ petition in question challenging an order dated 13.2.2010 passed by the District Teachers Appointment Appellate Authority whereby his appointment as a Panchayat Teacher has been cancelled by holding that he has obtained the document by forgery. The learned Writ Court examined



the issue in detail and came to the conclusion that the petitioner has not used any forged document. The finding of the learned Tribunal was found to be a perverse finding and it is recorded by the learned Writ Court that in the Graduation examination held in the year 2003, the petitioner had obtained 1st division and in spite thereof, he mentioned about the examination undertaken by him in the year 1998 in which he had received less marks and taking note of this, it is found that there is no case of misrepresentation or fraud and the finding recorded by the Appellate Authority is absurd and interfered with the order of the Appellate Authority by giving detailed cogent and substantially justifiable reasons.

Accordingly, we find no reason or justification to differ with the reasonable order passed by the learned Writ Court.

The appeal is, accordingly, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

K.C.jha/-

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