

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.990 of 2014
IN
Civil Writ Jurisdiction Case No. 20975 of 2012**

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Nibha Kumari daughter of Lalbabu Prasad Shrivastava, wife of Ashok Kumar
Resident of village - Koraiya, P.O. Adapur, District - East Champaran

.... Appellant

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Bihar, Patna
2. The Collector, East Champaran at Motihari
3. The District Education Officer, East Champaran, Motihari
4. The Block Education officer - cum - Secretary, Block Selection Committee, Chhauradano Block, East Champaran
5. The Member, District Teachers Employment Appellate Authority District West CHamparan
6. Kiran Kumari daughter of Deonandan Sharma, Ramgarhwa, District - East Champaran
7. Sima Kumari daughter of Munna Kumar, Kudarkat, Ramgarhwa, District - East Champaran

.... Respondents

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Appearance :

For the Appellant : Mr. Dilip Kumar Tondon, Advocate
For the Respondent No.6: Mr. Sanjeev Kumar Singh, Advocate
For the Respondent No.7: Mr. Patanjali Rishi, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 06-04-2017

Heard counsel for the appellant as well as the State and
private respondent Nos. 6 and 7.

Having perused the order of the learned single Judge
dated 31.10.2013, the learned single Judge has rightly held as under :

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“Nothing said in this order, however, will come
in the way of the petitioner to seek a declaration



from the competent Civil Court as with regard to such forgery/illegality to have been committed by respondent nos. 6 and 7 if a civil suit is filed by the petitioner impleading all the respondents including respondent nos. 6 and 7 by way of seeking a declaration that their experience certificate as a Lok Shikshak was forged/illegal and in the event a declaration to this effect is given by the competent Civil Court the petitioner will have the liberty to move before the competent authority for her appointment.”

This was necessitated in the facts of the case for the reason that the learned single Judge has no mechanism to go into the authenticity of the experience certificate which was said to be forged and illegal and which plea seems to be an afterthought to somehow demolish the appointments of the private respondents, who were already appointed in the year 2008 and the dispute was raised for the first time before the Teachers Employment Appellate Authority or the Tribunal in the year 2011.

Since an opening has already been given to the appellant, nothing more is required to be added to the order of the learned single Judge. Whatever remedy is available may be availed of in terms of the leave granted by the learned single Judge.



Appeal is otherwise dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

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