

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2095 of 2016
IN
Civil Writ Jurisdiction Case No. 229 of 2016**

=====

Om Prakash Singh, son of Sri Ramdeo Singh, Resident of Village & P.O.- Aruwan,
P.S.- Bhagwanpur hat, District- Siwan at present Assistant Teacher, upgraded
Middle School Gopalpur, Anchal-GoreyaKothi District- Siwan.

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The Commissioner, Saran Division, Chapra.
4. The District Magistrate, Siwan.
5. The District Education Officer, Siwan.
6. The District Programme Officer, Siwan.
7. The District Treasury Office, Siwan.
8. The Block Education Officer, Goreyakothi, District- Siwan.
9. The Headmaster cum Drawing and Disbursing Officer, Upgraded Middle
School Gopalpur, Anchal Goreyakothi , District Siwan
10. The Chairman, Bihar Staff Selection Commission, Bihar, Patna.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Bindhyachal Singh, Advocate
Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s : Mr. Ashutosh Ranjan Pandey, AAG-15
Mr. Amarnendra Kumar, AC to AAG-15

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 04-07-2017



Seeking exception to an order dated 19.09.2016 passed by the Writ Court in Civil Writ Jurisdiction Case No.229 of 2016, this appeal has been filed under Clause 10 of the Letters Patent.

The appointment of the petitioner as an Assistant Teacher in the Upgraded Middle School, Gopalpur, Anchal Goreyakothi in the District of Siwan was cancelled by the District Education Officer, Siwan on 12.02.2014. On appeal this order was affirmed by the Commissioner, Saran Division, Chapra on 17.04.2015 and challenge to the same in the writ petition having failed, this appeal has been filed under Clause 10 of the Letters Patent.

We find that the learned Writ Court has found that after the petitioner joined the post on 10.02.2012, within five months, adverse report was received by the District Programme Officer doubting the matriculation certificate deposited by the petitioner and on an enquiry it has been found to be forged and thereafter action has been taken. Even though, learned counsel for the petitioner tried to indicate that based on the matriculation examination, no advantage was given to the petitioner and that was not a qualification based on which he was appointed, we are of the considered view that the concurrent orders passed by the District Education Officer, Commissioner and the Writ Court finding the



petitioner to have used forged document for seeking appointment having been established, no case is made out for interference into the matter. The appeal is dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.07.2017
Transmission Date	

