

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11069 of 2015

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Renu Kumari daughter of Rajendra Sharma, wife of Pramod Sharma, resident of village- Rounia, Police Station- Khizar Sarai, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director, Primary, Secondary and Adult Education, Government of Bihar, Patna.
3. The District Teachers Employment Appellate Tribunal, Gaya.
4. The District Magistrate, Gaya.
5. The District Programme Officer (Establishment), District- Gaya.
6. The Block Development Officer, Khizer Sarai, District- Gaya.
7. The Block Education Extension Officer, Khizer Sarai, District- Gaya.
8. The Panchayat Secretary, Raunia Gram Panchayat, Police Station- Khizar Sarai, District- Gaya.
9. The Mukhiya, Raunia Gram Panchayat, Police Station- Khizar Sarai, District- Gaya.
10. Sangeeta Kumari wife of Nageshwar Kumar Sharma, resident of village- Rounia, Police Station- Khizar Sarai, District- Gaya.
11. The Secretary, Bihar School Examination Board, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Adv. with Mr. Manish Kumar No-2
For the Respondent-State	:	Mr. Manish Kumar, GP-4
For the respondent-BSEB	:	Mr. Satyabir Bharti, Adv.
For the private Respondent	:	Mr. Sharda Nand Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 13-02-2017

Heard Mr. Y.V. Giri, learned senior counsel appearing for the petitioner, Mr. Manish Kumar, learned Government Pleader No.4 for the State, Mr. Satyabir Bharti, learned counsel appearing for the Bihar School Examination Board and Mr. Sharda Nand Mishra, learned counsel appearing for the private respondent no.10.

The petitioner has been unsuited from the post of



Shiksha Mitra on grounds that she has secured her appointment on the basis of a forged Matriculation certificate allegedly issued by the Bihar School Examination Board (hereinafter referred to as 'the Board'), a copy of which is placed at Annexure-11 which shows her date of birth as '26.10.1973' when in fact the date of birth of the petitioner is '26.10.1970' which makes her age more than 33 years on the date she applied for the post which rendered her overage for seeking appointment on the post of Shiksha Mitra.

The order of cancellation of appointment passed by the District Appellate Authority, Gaya (hereinafter referred to as 'the Appellate Authority') impugned in this case, is annexed at Annexure-10 and is in consideration of the report of the Bihar School Examination Board as contained in the letter of the Secretary bearing No.2425 dated 19.6.2015, whereby it was informed that in the records of the petitioner maintained by 'the Board', the date of birth of the petitioner is recorded as '26.10.1970' which renders the petitioner more than 33 years on the date she applied for appointment on the post of Panchayat Shiksha Mitra.

Since the issue required verification of the records that Mr. Satyabir Bharti, learned counsel for 'the Board' was directed to seek instruction and following which a counter affidavit has been



filed by Mr. Bharti on behalf of 'the Board' upon verification of the report in which it is stated that the date of birth recorded in the Tabulation Register is 26.10.1970 and not 26.10.1973. It is mentioned at paragraph 8 of the counter affidavit that although a duplicate Tabulation Register pertaining to the 1985 Matriculation Examination has been found in damaged condition but the original record does substantiate that the date of birth of petitioner is 26.10.1970 and not 26.10.1973. Mr. Bharti is also in custody of the original Tabulation Register for perusal by this Court.

Mr. Giri, learned senior counsel appearing for the petitioner in reference to a supplementary affidavit being filed today submits that the documents enclosed therein would show that the date of birth of the petitioner is 26.10.1973 and has been the same all along except that it was incorrectly recorded in the Tabulation Register of 'the Board'. Mr. Giri while making such submission could not, however, satisfy this Court as to how if the date of birth of the petitioner was 26.10.1973, the petitioner having passed her Matriculation examination in 1985, she kept quiet for 20 years and took no steps for correction, which steps has been taken only in 2013, after the dispute has arisen.

Be that as it may, the fact remains that in the Tabulation Register maintained by 'the Board', the date of birth of the



petitioner is recorded as 26.10.1970. Meaning thereby she was overage for appointment as Shiksha Mitra even after relaxation on the date of application. Even if the petitioner may have taken steps for correction of the date of birth but until such time that the original records is corrected, the certificate issued by ‘the Board’ on 7.8.1985 enclosed at Annexure-11 becomes an unreliable document for it does not match the Tabulation Register. Since the appointment of the petitioner is resting on this incorrect document which is not in tune with the Tabulation Register, no infirmity can be found in the opinion of the Appellate Authority which unsuits the petitioner from the post on grounds of being overage.

This writ petition is dismissed.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23-02-2017
Transmission Date	NA

