

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8961 of 2014

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1. Ram Pukar Yadav S/o Late Bhola Yadav resident of village - Bhojpandaul, P.S. Bisfi, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner and Secretary, Health, Medical Education and Family Planning, Govt. of Bihar, New Secretariat, Patna
3. The Director - in - Chief, Health Services, Govt. of Bihar, New Secretariat, Patna
4. The Regional Deputy Director, Health Services, Govt. of Bihar, Darbhanga
5. The Civil Surgeon - cum - Chief Medical Officer, Darbhanga
6. The Civil Surgeon - cum - Chief Medical Officer, Madhubani
7. The In - Charge Medical Officer, Primary Health Centre, Baheri, District - Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suraj Narain Yadav

For the Respondent/s : Mr. AVNISH NANDAN SINHA

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 04-09-2017

Heard both sides.

2. The petitioner has filed this writ petition against the order dated 30.08.2010, findings of the One Man Inquiry Committee passed in Case No. 43 of 2010 arising out of LPA No. 53 of 2010 (Annexure-22) by which the One Man Inquiry Committee held that the appointment of the petitioner was made on the basis of fake and forged appointment letter and accordingly the order of termination was found legal.

3. The brief facts relevant for the disposal of this case is



that the petitioner was appointed vide order dated 29.06.1987 as contained in Memo No. 1179 (Annexure-1). The petitioner served for 13 years and thereafter the service of the petitioner was terminated in the year 2000. The petitioner filed C.W.J.C. No. 1989 of 2001 and this Court vide order dated 04.07.2001 (Annexure-16) remit the case to the Principal Secretary, Health. The Principal Secretary, Health after hearing the petitioner vide order dated 20.04.2002, held that the letter of appointment issued for appointing the petitioner is fake (Annexure-18) and also directed to file criminal case. The petitioner thereafter, again moved before this Court in C.W.J.C. No. 10932 of 2002 against the order dated 20.04.2002 passed by the Principal Secretary, Health. C.W.J.C. No. 10932 of 2002 along with C.W.J.C. No. 4702 of 2003 and many other writ petitions were allowed and the petitioner was directed to be reinstated in service. The aforesaid judgment in the case of *Sitendra Kumar Singh v. State of Bihar* was reported in **2003(4) PLJR 282**. The State filed LPA No. 479 of 2005 and other LPAs. The Division Bench of this Court directed the respondents to consider the case of the petitioner and others for regularization in view of law laid down in the case of *Secretary, State of Karnataka & Ors. Vs. Uma Devi & Ors.* reported in **2006 (2) PLJR 363 SC** within a period of six months. The Government of Bihar constituted a committee to look into the matter for



regularization of the petitioner and similarly situated other employees. The Five Men Committee categorized all such appointments in three categories; (i) appointment on fake appointment letters, (ii) illegal appointment and (iii) irregular appointment. The appointment of the petitioner was found on the basis of fake appointment letter and the persons who were irregularly appointed were directed to be regularized. The petitioner again filed C.W.J.C. No. 1724 of 2008 challenging the report of the Five Men Committee. The C.W.J.C. No. 1724 of 2008 was heard along with C.W.J.C. No. 6575 of 2009 along with other analogous writ petitions including the writ petition of the petitioner and the termination of the petitioner was set aside with a direction to the State to reinstate the petitioner with all consequential benefits. The aforesaid judgment in the case of *Om Prakash v. State of Bihar* was reported in **2009 (4) PLJR 690**. The State of Bihar filed LPA with regard to the case of the petitioner along with LPA No. 1632 of 2009 and other LPAs. All the LPAs were disposed of by a common order dated 11.02.2010 in the case of *State of Bihar v. Sohan Roy* reported in **2010 (2) PLJR 397**. This court while disposing of the LPA No. 1632 of 2009 and the analogous cases nullified the order of the Single Bench passed in C.W.J.C. No. 6575 of 2009 and others and constituted One Man Committee headed by Hon'ble Mr. Justice Uday Sinha who examined the case of the



petitioner and others. The One Man Committee vide order dated 30.08.2010 held that the petitioner was appointed on the basis of fake appointment letter and accordingly did not find any illegality in the order of termination of the petitioner.

4. Shri Suraj Narain Yadav, learned counsel for the petitioner submits that in LPA No. 53 of 2010 and other cases the Division Bench of this Court has constituted One Man Committee and after framing of point of reference in para 'J' clearly stipulates that One Man Committee shall look into the case of the petitioner and also consider the point of discrimination among illegal appointees. The petitioner has pointed out before the One Man Committee that Ashok Kumar Jha, Budhi Nath Thakur, Rupak Bhomic and Balarma Jha were also appointed in the similar manner as that of the petitioner but they were retained in service whereas the petitioner has been terminated. Learned counsel for the petitioner further submits that from perusal of Annexure-20 of this writ petition, it would appear that the name of all the four persons namely Ashok Kumar Jha, Budhi Nath Thakur, Rupak Bhomic and Balarma Jha found mentioned in the list of such persons who were appointed on the basis of fake appointment letter. The petitioner has been discriminated but, it appears that the Three Men Committee/Five Men Committee who held enquiry with regard to appointment of the petitioner and others in



the Health Department categorized all the appointments in the following three categories (i) persons appointed on fake appointment letters, (ii) persons illegally appointed and (iii) persons irregularly appointed. The name of the petitioner figured in the Ist category although names of Ashok Kumar Jha, Budhi Nath Thakur, Rupak Bhomic and Balarma Jha were also found to be appointed on the basis of fake appointment letters, but three Men Committee, who held the enquiry, found that their appointments were irregular and therefore, the case of the petitioner does not stand on the same footing as that of other three persons namely Budhi Nath Thakur, Rupak Bhomic and Balarma Jha and the petitioner has not been able to show any discrimination. Shri Suraj Narain Yadav, learned counsel for the petitioner further submits that during investigation, it was found that in the register, in which the appointment letter was issued with regard to the petitioner, some interpolation was made. In the case of ***Subodh Kumar Prasad vs. State of Bihar & Ors.*** reported in ***2001 (3) PLJR 187 SC***, the Supreme Court has held that even if a person got appointment on fake appointment letter he should be removed after full fledged departmental enquiry but, no departmental enquiry was held and therefore the termination of the petitioner be set aside, but I find that in the case of the petitioner and many others it was found that the petitioner was appointed on the fake appointment letter after



holding thorough enquiry. Firstly, the Principal Secretary, Health Department thoroughly enquired the matter in pursuance of the order of this Court passed in C.W.J.C. No. 1989 of 2001 and held that the appointment letter of the petitioner was fake. Thereafter, the Three Men/Five Men Committee enquired into the appointment of the petitioner and others and also found that the petitioner was appointed on the fake appointment letter. Thereafter, One Man Committee also held that the petitioner was appointed on fake appointment letter and he was rightly terminated. Therefore, I do not find any substance in the submission of learned counsel for the petitioner that the petitioner was terminated without holding enquiry rather it transpired time and again that the petitioner and many others were appointed on fake appointment letters.

5. Considering the facts aforesaid, I do not find any merit in this writ petition. Accordingly, the writ petition is dismissed.

(Prabhat Kumar Jha, J)

KKSINHA/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.09.2017
Transmission Date	NA

