

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2186 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 572 of 2011**

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Ranjana Kumari, aged about 30 years, daughter of Sri Braj Bihari Yadav, resident of village- Siswa Barhi, P.S. Phulparas, District - Madhubani.

.... Appellant/s

Versus

1. The State of Bihar
2. The State of Bihar through the Secretary, Human Resources Department (now named as Education Department), Bihar, Patna.
3. The District Superintendent of Education (now the designation changed as District Program Officer, Establishment)-cum- District Program Co-ordinator, Bihar Education Project, Madhubani.
4. The Block Education Extension Officer (now named as Block Education Officer),Phulparas, District - Madhubani.
5. The Secretary, Bihar School Examination Board, Bihar, Patna.
6. Pramukh - cum - Chairman, Employment Unit, Phulparas, District, Madhubani.

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ajay Kumar, Advocate
For Respondent No. 4	:	Mr. Lalit Kishore, Sr. Advocate
		Mrs. Binita Singh, Advocate
For the State	:	Mr. Ashutosh Ranjan Pandey, AAG-15

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 27-07-2017

Seeking exception to an order dated 04.10.2016 passed by the learned Writ Court in C.W.J.C. No. 572 of 2011, this appeal has been filed.

2. Appellant was appointed as a Block Teacher. Vide Memo dated 01.06.2010 the Block Education Extension Officer-cum-Coordinator cancelled her appointment on the ground that the



Intermediate certificate submitted by the appellant was forged. Challenge was made to the aforesaid before the Writ Court and the Writ Court having found the action to be proper, this appeal primarily on the ground that if an incorrect certificate was issued to the appellant by the Examination Board, the appellant cannot be held responsible for the same.

3. From the counter affidavit and the findings recorded by the learned Writ Court, we find that while preparing the merit-list it was indicated that the appellant had received 726 marks in the Intermediate examination, whereas the correct marks received by her was only 466 which comes to 51.77 per cent, much below the cut off marks for the merit-list prepared in the category of unreserved female candidate. The learned Writ Court having taken note of all these factors found that the appellant having received only 51.77 per cent marks, there was no criminal intention or interpolation by the appellant, dismissed the petition, the learned Writ Court has not committed any error in rejecting the claim because the appointment of the appellant was made considering her mark-sheet which was not the correct mark-sheet and when the correct mark-sheet came on record, it was found that the appellant had received 51.77 per cent marks. The learned Writ Court considered various submissions advanced and after going through the original records which was



called for, the finding recorded by the learned Writ Court reads as under:-

“Learned counsel for the petitioner has with reference to the rejoinder submitted that there has been no lapse on the part of the petitioner nor has she committed any fraud which is supported from her application present at Annexure-7 series which clearly mentions her marks in Intermediate as 466 which is equivalent to 51.77%. It is further the contention of learned counsel that the petitioner had applied as a Reserved Category candidate which is evident from her application but has been treated as a general candidate in the Unreserved (Female) Category and thus without consideration of the fact whether the marks obtained by the petitioner would entitle her to a consideration against the post meant for Backward Category (Female) post, she has been terminated. Under the orders of the Court, the admission registers has been produced and which clearly reflects that the marks obtained by the petitioner has been tampered with to read as 51.77% which is also manifest from the counter affidavit at page 23. Thus even if the argument advanced by Mr. Ajay Kumar learned counsel for the petitioner is accepted that the petitioner is not a party to such interpolation but then she was a beneficiary of the interpolation because it is on the basis of the upgraded marks that she was granted an appointment in the Unreserved Category.

It is also informed by Mr. Prabhat Kumar that the interpolation has led to institution of a criminal case



which is another impediment in the way of the petitioner.”

4. Keeping in view the aforesaid reasons that weighed with the learned Writ Court for refusing to interfere into the matter, we find no error warranting reconsideration.

5. The Letters Patent Appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

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