

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.271 of 2014

In
Civil Writ Jurisdiction Case No.16518 of 2010

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Tej Narayan Rai Son Of Late Ram Bali Rai Resident Of Village & Post-
Kanhauli, P.S.- Darauli, District- Siwan

... .. Appellant

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resource Development Department,
Government Of Bihar, Patna
3. The Director, Primary Education, Bihar, Patna
4. The Divisional Commissioner, Saran At Chapra
5. The District Magistrate, Siwan
6. The Deputy Development Commissioner-Cum-Chairman, District Education
Establishment Committee, Siwan Null Null
7. The District Superintendent Of Education, Siwan
8. The District Treasury Officer, Siwan
9. The Range Education Officer, Mairwa, District- Siwan
10. The Block Education Officer, Guthani, District- Siwan
11. The Head Master-Cum-Drawing & Disbursing Officer, Guthani Block,
District- Siwan
12. Head Teacher, Government Primary School, Bakulari, Anchal Guthani,
District- Siwan
13. Sri Manager Singh Son Of Shri Lakshmi Singh R/O Village & Post-
Kanhauli, P.S.- Darauli, District- Siwan

... .. Respondents

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Appearance :

For the Appellant	:	Mr. Tej Bahadur Singh, Senior Advocate Mr. Brisketu Sharan Pandey, Advocate
For the Respondents	:	Mr. Kameshwar Kumar, GP-17 Mr. S.K.Ranjan, AC to GP-17

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 31-10-2017

Heard counsel for the appellant and counsel for the State.

The order impugned is dated 01.10.2012. The appellant came to be appointed as an Assistant Teacher and was said to be a Matric trained teacher. He continued to work in that capacity after joining



the Government Primary School, Bakulari, in Guthni Anchal in the district of Siwan. Sometime in the year 2002, he came to be suspended and a departmental enquiry was initiated because he went absent for a period of time without any proper permission or leave. It emerges that during the period in question, he was actually in judicial custody in relation to a criminal case.

Something more tumbled out with regard to the life history of the present appellant. The authorities received information that he had obtained employment on the basis of a forged certificate of training. The authorities got the said certificate verified from the Bihar School Examination Board, who certified the position that the certificate in question was forged and that it had never been issued by them. Thereafter, an enquiry was also held and the certificate of training having been conclusively established to be forged, the respondent authorities decided to terminate the appellant from service.

Argument is sought to be made on behalf of the appellant that proper enquiry was not held, he was not given adequate opportunity, he was not given the report or the inputs based on which it was concluded that the certificate of training was forged etc. etc.



All these aspects have also been urged and well considered by the learned single Judge. It is not that the appellant was not aware of what was against him and what was held out against him. If the appellant was so sanguine about the authenticity of the certification, he could have very well confronted the Bihar School Examination Board authorities on the input which was provided about the certificate, not having been held to be genuine.

The appellant cannot now try to take advantage and overcome the decision taken against him both by the respondent State authorities as well as the learned single Judge on this spacious ground. The Factum of the employment having been obtained on forged and having been so established, the order of termination is not required to be interfered with. The learned single Judge has rightly did not interfere with such a decision by keeping in mind the various principles of law laid down by the Hon'ble Apex Court and certain decisions of this High Court as well, to fortify his view.

The Court is of the opinion that the decision does not suffer from any infirmity which is required to be rectified in appeal.

Appeal has not merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Pawan/-



AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	03.11.2017
Transmission Date	N/A

