

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15988 of 2008

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Azad Singh s/o Late Bhola Prasad r/v- Mukhiyapatti, Tola Navoli, P.S. – Saharghat
(Madhvapur), Distt - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Madhubani
3. The District Panchayat Raj Officer, Madhubani
4. The S.D.O. Benipatti, Distt – Madhubani
5. The B.D.O. Madhvapur Block, Distt – Madhubani
6. The Surpanch Mukhiyapatti Gram Panchayat, Madhvapur Block, P.S. – Saharghat, District – Madhubani
7. Rupa Kumari w/o Sri Pramod Sah, r/o Mukhiyapatti, P.S. – Saharghat, District - Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. (AC to SC-8)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 25-01-2017

Nobody appears on behalf of the petitioner. Earlier on 19.01.2017 and 23.01.2017 none had appeared on behalf of the petitioner. Learned A.C. to S.C. – 8 is present and submitted that counter affidavit has already been filed.

The petitioner by filing this writ petition seeks quashing of the order dated 21.04.2008 passed by the Sub-Divisional Officer, Benipatti, as contained in memo no. 405 by which the appointment of the petitioner was cancelled, holding that the petitioner had appeared earlier in the year 1998, in the matriculation examination in the name of Ram Binod Prasad, son of Bhola Mahto and found that certificate



of the petitioner is forged one. The brief facts which are relevant for the disposal of this writ petition is that petitioner was appointed on the post of Secretary Gram Panchayat, Mukhiapatti, but one Rupa Kumari filed a petition stating therein that Azad Singh son of Bhola Prasad was appointed on the basis of matriculation certificate passed in the year 1991. It would appear from the voter list, school certificates, telephone booth license and other relevant documents that real name of Azad Singh is Ram Binod Prasad son of Bhola Mahto. Ram Binod Prasad has passed matriculation examination in the year 1988 in IIIrd division, but he again changed his name and appeared in the matriculation examination in the year 1991 showing his different date of birth. On such the Sub-Divisional Officer, Benipatti entrusted the enquiry to the Block Development Officer, Madhvapur. After enquiry, notice was also issued to Rupa Kumari and Azad Singh (petitioner) by the Block Development Officer, Madhvapur to appear on 04.03.2008. The Block Development Officer, Madhvapur submitted his enquiry report and found that the real name of Azad Singh is Ram Binod Prasad son of Bhola Mahto who appeared in the matriculation examination vide Mark Sheet No. - 328162, roll code - 6209 and roll no. 46 of Nandlal Mahavir Uchch Vidyalaya, Gangaur in the year 1988, but Ram Binod Prasad changed his name and date of birth and again appeared in the matriculation examination in the year 1991 from



Bhola Adarsh Musik Bhola Uchch Vidyalaya Devdha Jainagar having roll code – 06215 and roll no. 0303.

On the basis of aforesaid enquiry report, the appointment of the petitioner was cancelled. The petitioner has assailed the order of termination, on the ground, that no notice was served on him before cancellation of his appointment, but from perusal of the counter affidavit, it appears that petitioner was duly noticed and only thereafter, the appointment of the petitioner on the post of Secretary, Gram Panchayat was cancelled. On the ground, petitioner played fraud and changed his date of birth and again appeared in the matriculation examination in different name.

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

(Prabhat Kumar Jha, J.)

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