

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9364 of 2008

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Ashok Maghi s/o Dwarika Manjhi, r/v- Chhaki, P.s. – Brhampur District – Buxar
..... Petitioner/s

Versus

1. The State of Bihar through District Collector, Buxar
2. The Sub-Divisional Officer, Dumraon, District – Buxar
3. The Circle Officer Brhampur, now Dumraon District – Bhojpur, New Buxar
4. The Deputy Commandant, Central Industrial Security Force, Unit UCIL, Jadugoda, District – East Singhbhum
5. The Deputy Inspector, Mr. R.K. Prasad, Central Industrial Security Force, Unit UCIL, Jadugoda, District – East Singhbhum

..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. NIL KAMAL, Adv.
For the Respondent/s : Mr. (GA10)
Mr. Dr.R.Ranjan(Asst.SG)
Mr. Kumar Priya Ranjan(CGC)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 20-02-2017

Heard both sides.

The petitioner seeks quashing of the order, as contained in letter no. 15014/0107665 dated 17.12.2007 whereby the Commandant, Central Industrial Security Force, Unit – UCIL, Jadugoda (Annexure-3) terminated the service of the petitioner, on the ground, that the petitioner belongs to O.B.C. (Annexure-1), but he submitted the caste certificate showing that he is a member of Scheduled Tribe (S.T.).

The brief facts which are relevant for the disposal of this writ petition are that the petitioner was appointed on the post of Constable and he was selected on the basis of the caste certificate submitted by the petitioner duly issued by the Circle Officer,



Brhampur on 16.04.1993. Departmental proceeding was initiated on 21.08.2007 against the petitioner that the petitioner was appointed illegally in reserve category of S.T. The Enquiry Officer after enquiry, called for a report from the District Magistrate, Buxar about the genuineness of the caste certificate of the petitioner and after enquiry the petitioner was dismissed from service.

Learned counsel for the petitioner submits that the petitioner has filed genuine caste certificate and after due consideration the petitioner was appointed on the post of Constable in the reserve category of S.T. It is submitted that the Collector, Buxar as well the Sub-Divisional Officer, Buxar also issued certificate annexed as Annexure – A and G in the counter affidavit and they found that the caste certificate issued by the Circle Officer Brhampur, Buxar is genuine. Therefore, his order of termination is bad in law.

Learned counsel for the respondents submitted that after issuance of termination order the petitioner did not move before the appropriate authority in appeal as well as in revision. When this fact came to the light that the petitioner got appointment in the category of S.T., although, the petitioner does not belong to the S.T. and departmental enquiry was held and a report from the Sub-Divisional Officer, Buxar as well as District Magistrate, Buxar was called for. The Sub-Divisional Officer, Buxar and District Magistrate, Buxar vide report at Annexure – A and G reported that the petitioner belongs



to O.B.C. category (Annexure – 1) and does not belong to S.T. category. The petitioner again filed forged certificate before the Enquiry Officer.

Having considered the facts and submissions made by the parties, I find that the petitioner earlier submitted forged certificate of caste showing him belonging to Scheduled Tribe (S.T.), on the basis of which, he got appointment on the post of Constable, although the petitioner belongs to O.B.C. category (Annexure-1). The Sub-Divisional Officer, Buxar as well as District Magistrate, Buxar also reported that earlier caste certificate issued by the Circle Officer, Brhampur, Buxar was false and in fact, the petitioner belongs to fisherman (Mallah) which comes within O.B.C. (Annexure-1) and he does not belong to Scheduled Tribe (S.T.). Petitioner got appointment on the basis of false caste certificate, thus I do not find any merit.

Accordingly, the writ petition is dismissed, as devoid of any merit.

(Prabhat Kumar Jha, J.)

Vinita/-

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

