

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6403 of 2017

Along with

Interlocutory Application No. 5635 of 2017

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Anil Kumar son of Late Mahendra Singh resident of village - Lodipur, Post-Lakhanpar, Police Station and Block - Punpun, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Patna.
3. The District Education Officer, Patna.
4. The District Programme Officer (Establishment), Patna.
5. The Circle Officer, Punpun, District - Patna.
6. The Block Education Officer, Punpun, District - Patna.
7. The Panchayat Secretary-cum-Member Secretary, Panchayat Raj Lakhanpal, Police Station and Block - Punpun, District - Patna.
8. The Secretary, Bihar School Examination Board, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Roy, Advocate
For the Respondent/s : Mr. Jitendra Kr. Roy No. 1, SC-13

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 22-08-2017

Heard learned counsel for the petitioner and the State.

2. The petitioner is permitted to implead the Bihar School Examination Board as respondent no. 8. Let necessary correction be made during the course of the day.

3. The petitioner has moved the Court for quashing the order contained in Letter No. 2725 dated 31.03.2017, by which his



appointment to the post of Panchayat Teacher in Primary School, Lodipur has been cancelled on the sole ground that the petitioner had earlier appeared in the examination conducted by the respondent no. 8, under different name and thus, he possessed two matriculation certificates in two different names.

4. The petitioner has also filed Interlocutory Application No. 5635 of 2017, to challenge the consequential order issued by the respondent no. 7 dated 15.07.2017, by which the petitioner has been removed from the post of Panchayat Teacher only on the basis of the letter dated 31.03.2017.

5. In view of the amendment sought being in continuation of the prayer made in the main writ application, the same is allowed. The order passed by the respondent no. 7 dated 15.07.2017, removing the petitioner from the post of Panchayat Teacher shall also form part of the relief sought for in the main writ application.

6. Interlocutory Application No. 5635 of 2017 stands disposed off.

7. The contention of the petitioner is that though initially a notice was given to him, he replied to the same, but without the certificate having been sent to the respondent no. 8, the decision has been taken. It was submitted that since the Issuing Authority was



respondent no. 8, the only course was to get the certificates verified by the Issuing Authority i.e., respondent no. 8, which has not been done.

8. Such fact appears to be correct in view of the averments made and also copies of documents produced on record. The Court considers the objection raised by the petitioner to be valid.

9. In view thereof, on the short point that the matter has not been certified by the respondent no. 8, which is the Issuing Authority as to whether the two certificates pertain to the same person, which is to be verified and looked into by the respondent no. 8, on the basis of records maintained by them including the photographs, handwriting etc., the writ petition stands disposed off by setting aside both the orders dated 31.03.2017 issued by the respondent no. 4 contained in Letter No. 2725 as well as the consequential order issued by the respondent no. 7 dated 15.07.2017. However, liberty is given to the respondent on. 4 to get the matter verified from the respondent no. 8 with regard to whether the two certificates pertain to the same person i.e., the petitioner. Depending on the result of such verification, as may be required, fresh orders, shall be passed.

10. The writ petition stands disposed off in the aforementioned terms.



11. Registry shall communicate the order to the
respondent no. 4 forthwith.

(Ahsanuddin Amanullah, J)

P. Kumar

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