

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1452 of 2013

IN

Civil Writ Jurisdiction Case No. 283 of 2011

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Sheoji Singh, Son of Ram Parikha Singh, Resident of Village - Arjunpur, P.S. - Buxar Industrial Area, District - Buxar, Posted as peon in the office of area Education Officer, Mohania, Kaimur.

.... Petitioner-Petitioner- Appellant/s

Versus

1. The State of Bihar through the Secretary, Secondary Education, Bihar, Patna.
2. The Director, Secondary Education, Bihar, Patna.
3. The Regional Deputy Director of Education, Patna Division, Patna.
4. The District Education Officer, Kaimur.
5. The Area Education Officer, Mohania, Kaimur.

.... Respondents- Respondents- Respondent/s

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Appearance :

For the Appellant/s : Mr. Rana Ishwar Chandra, Advocate

For the Respondent/s : Mr. R. S. Singh, AC to AAG-7

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 04-04-2017

Seeking exception to an order dated 03.10.2012 passed by the Writ Court in Civil Review No.283 of 2011 and an order dated 25.08.2010 passed in Civil Writ Jurisdiction Case No.5839 of 2005, this appeal has been filed under Clause X of the Letters Patent.

Seeking a direction for payment of salary to the petitioner, the writ petition was filed and finding that the factum of appointment of the petitioner on the post of Peon was not at all certified and as long the order passed, that is Annexure-3 to the writ



petition stands, no direction for salary could be made, the writ petition was dismissed.

Having heard we find that appointment of the petitioner is not established and there being no valid appointment, the learned Writ Court has refused to make any indulgence into the matter. It was found on enquiry that the File number based on which the appointment was claimed and the order of appointment itself was a false one. The File number pertains to another employee, namely, one Pradeep Narayan Singh, a petitioner in CWJC No.6344 of 1994 and as the petitioner was found to have used a forged document to claim the benefit, an FIR was lodged against the petitioner and the Criminal Case was pending.

Taking note of all these circumstances that was evident from the counter affidavit, the learned Writ Court dismissed the writ petition by holding that in the light of materials that have come on record, no direction for payment of salary can be given, once it is found that the petitioner is indulged in forgery and a criminal case for the same is also pending. In doing so, we of the considered view that the learned Writ Court has not committed any error.

Once the very fact with regard to appointment of the petitioner was in dispute and it was found from the counter affidavit and the documents available on record that it is a case of forging of



an appointment order, the learned Writ Court has not committed any error in dismissing the writ petition. We also find no case for making any indulgence into the matter in the backdrop of the facts as have come on record.

Accordingly, finding no error in the order of the learned Writ Court, the appeal stands dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Sunil/-

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