

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1310 of 2013
IN
Civil Writ Jurisdiction Case No. 18515 of 2012**

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Rambha Kumari Daughter Of Sri Satya Narain Rai Resident Of Village - Ranni,
Post Office - Dumariya, Police Station - Sikrahata, District - Bhojpur, Ara

.... Appellant

Versus

1. The State Of Bihar through Its Principal Secretary, Human Resources Development Department, Govt. Of Bihar, Patna
2. The Deputy Development Commissioner, Bhojpur At Ara - Cum - Chief Executive Officer, Zila Parishad, Bhojpur, District - Bhojpur Ara
3. The District Education Officer, Bhojpur At Ara
4. The District Teachers Engagement Appellate Authority, Bhojpur At Ara
5. The Incharge Headmaster, Nihal Pandey High School, Sikraul, Bhojpur In The District Of Bhojpur At Ara

.... Respondents

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Appearance :

For the Appellant : Mr. Ranjan Kumar Singh, Advocate

For the Respondents : Mr. Zaki Haider, AC to GA-9

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 15-02-2017

Court has heard counsel for the appellant as well as the State and has re-perused the materials which formed the basis for passing of the order of the District Teachers Employment Appellate Authority as well as the learned single Judge, who upheld the order.

There was a deliberate effort made on the part of the appellant to mislead the authorities into believing that she was a trained teacher with a valid B.Ed. degree. The niceties, which is being used by the counsel for the appellant to explain that there was



no suppression, is a submission which is fit to be rejected on the threshold because no candidate, who was not qualified and had not obtained any degree of a particular course and was a failed student would ever make a declaration in this regard in the column showing training or its category. The appellant was appointed on the basis of treating her to be a trained candidate and, therefore, fraud and deceit, which was practiced by the appellant, was the reason for the learned single Judge not only to refuse to interfere with order of dismissal, but also ordered recovery of salary paid to her for the period of her work was also passed.

The impugned order was passed on 12.08.2013. We are on 15th February, 2017. No payment has been made by the appellant till date. In other words, she is in defiance of the judicial order for last three and a half years to four years.

In totality, therefore, it is not a fit case where any interference is required to be made with the impugned order dated 12.08.2013 passed in the writ. The law will take its course.

So far as the prayer of the counsel for the appellant is concerned that even now some kind of an indulgence should be shown by allowing her to refund the money in installments, the said prayer may be made before the concerned authorities. This Court will not incorporate anything more in the order of the learned single



Judge at its level.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

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