

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15743 of 2010

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Shakuntala Devi W/O Sri Jagdish Das R/O Vill.- Harpat, P.S. & P.O.- Laheriasarai,
Distt.- Darbhanga

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Govt. Of Bihar, Patna
2. Civil Court, Darbhanga, Through Its Registrar
3. District & Sessions Judge, Civil Court, Darbhanga
4. Registrar, Civil Court, Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amaresh Kr. Sinha
: Mr. Mrityunjay Kumar
For Respondent/s no. 2 to 4 : Mr. Mrigank Mantu
For respondent no. 1 (State) : Mr. Harish Kumar, GP 8

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 27-07-2018

1. The present writ petition has been filed for quashing the order dated 12.07.2010 passed by the District & Sessions Judge, Civil Court, Darbhanga whereby and whereunder, the temporary appointment of the petitioner has been terminated on the ground that the certificates submitted by the petitioner in respect of her age and qualification was found to be not correct.

2. The learned counsel for the petitioner has stated that the petitioner has not submitted any forged certificates, inasmuch as the authorities have failed to discover any forgery committed by the petitioner. The learned counsel for the respondents has submitted that there are several materials to show that the date of birth mentioned in



the School Leaving Certificate produced by the petitioner at the time of her appointment, is not genuine which is apparent from the certificate obtained from the B.D.O., by the respondents, which was submitted by the petitioner at the time of contesting *Panchayat* elections, in which a different date of birth has been given. Infact, the medical board has also assessed the age of the petitioner and medical report shows that there is huge variance in age i.e. about five years. In any view of the matter, the petitioner, on being asked by the respondents, failed to produce the voter I.D. and ration card which she was admittedly possessing.

3. It is a trite law that in a case, where the entry in service is itself marred by forgery and misrepresentation, the appointment is *void ab initio*.

4. For the reasons mentioned hereinabove, I do not find any reason to interfere with the impugned order dated 12.07.2010, hence the writ petition is dismissed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

