

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10928 of 2011

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Malti Kumari, W/o Sahdeo Prasad, resident of village and P.O.- Aliganj, P. S.- Chandradeep, District- Jamui, presently posted as Head Teacher in Primary School, Sunderbad, Anchal-Islam Nagar- Aliganj, District- Jamui.

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Department of Human Resources, Government of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The Regional Deputy Director of Education (R.D.D.E.), Munger Division, District- Munger.
4. The District Magistrate, Jamui.
5. The District Superintendent of Education-cum-Sub-Divisional Education Officer, Jamui.
6. The Block Education Extension Officer, Islam Nagar, Aliganj, District- Jamui.
7. The Treasury Officer, Jamui.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Arun Kumar, Advocate
For the Respondents : Mr. Nagendra Kumar, AC to AAG-IX

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

9 30-07-2018 Heard the learned counsel for the petitioner and learned counsel appearing on behalf of the State.

Learned counsel submit that the order contained in Annexure-12 was passed behind the back of the petitioner and without initiating a regular departmental proceeding against the petitioner.

Learned counsel appearing on behalf of respondents submit that in this case the certificate of the petitioner was sent to the Bihar School Examination Board for verification and on



verification certificate was found forged. Admittedly petitioner was not heard before passing order adverse to the interest of the petitioner.

In view of the above, the writ petition is allowed. Annexure-12 is quashed. The respondents are directed to give opportunity of hearing to the petitioner including the opportunity to the petitioner to establish that the certificate obtained by the petitioner is genuine and in the event during inquiry the petitioner establishes that this certificate obtained from the Bihar School Examination Board are genuine and respondents are satisfied with such explanation, they may pass appropriate order in favour of the petitioner. In the event the certificate of the petitioner is found to be forged, the respondent are hereby directed to register criminal case against the petitioner for using the forged certificate.

(Anil Kumar Upadhyay, J.)

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