

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.69 of 2017

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Shri Prabhakar Dwivedi, son of Ramautar Dwivedi, resident of village-
Deokuli, P.O.- Deokuli, P.S.- Brahampur, District- Buxar.

... .. Petitioner

Versus

1. The Bihar State Power Holding Company, Patna, through its Chief Managing Director, Vidyut Bhawan, Bailey Road, Patna.
2. The Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna.
3. The Chairman, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna.
4. The General Manager-Cum-Chief Engineer, Central Bihar Area Electricity Board, 8, Serpentine Road, Patna-1.
5. The Electrical Superintending Engineer, Shahabad Electrical Circle, Arrah.
6. The Electrical Executive Engineer, Electric Supply Division, Bhabhua, Rohtas.
7. The Assistant Electrical Engineer, Electric Supply Sub-Division, Mohania, Rohtas.
8. The State of Bihar, through the Commissioner, Labour and Employment Department, Bihar, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Damodar Prasad Tiwary, Advocate
For the State	:	Mr. Ranjay Kumar Singh, A.C. to S.C.-6
For the B.S.P.H.C.	:	Mr. Ranjit Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date : 18-06-2018

Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the Bihar State
Power Holding Company Limited.



2. In this case, the petitioner is claiming that by making a wrong statement in the affidavit, the erstwhile Bihar State Electricity Board now the Bihar State Power Holding Company Limited, had obtained the order in its favour in C.W.J.C. No.3661 of 1987, which has been affirmed by the Hon'ble Supreme Court in S.L.P. No.7017 of 1989.

3. The matter relates to getting the appointment on the post of Electrician on the basis of forged and fabricated certificate. When the fact came to the notice of the Bihar State Electricity Board, the services of the petitioner was dispensed with, that compelled the petitioner to approach this Court in C.W.J.C. No.3661 of 1987.

4. At the time of hearing, the Electricity Board has brought to the notice of the Court the certificate bearing no.162383, whereas, the petitioner had attached the certificate bearing no.162251 by way of Annexure-3 and the Court has said that how there could be two certificates in the single examination, holding that the certificate *prima facie* appears to be bogus or fabricated one, gave direction to impound the certificate and take necessary action in accordance with law, which was challenged before the Hon'ble Supreme Court unsuccessfully. It also appears that the petitioner filed a title suit



vide Title Suit No.88 of 1999 which has also been disposed of not being maintainable and thereafter, the petitioner has directly approached this Court bringing to the notice of this Court that by making a wrong statement the Board has/had obtained the order and specifically placed reliance on the statements made in paragraph no.6 of the counter affidavit of the State.

5. On perusal of the order dated 26.04.1988 passed in C.W.J.C. No.3661 of 1987 it appears that the certificate bearing no. 162383 and certificate bearing no. 162251 were the subject matter for consideration before this Court in Division Bench and the present counter affidavit has been filed with respect to certificate bearing no. 162363, wherein the statement has been made to be genuine, but this certificate is related to the appointment of wireman trade whereas the appointment was related to the trade of electrician. It has no nexus with the certificate of the Electrician. The person cannot be given the benefit of the certificate bearing no.162363 which has been said to be genuine in getting the appointment as electrician and he has produced the certificate which has been declared to be forged and fabricated certificate has been affirmed upto the Hon'ble Supreme Court.



6. In such view of the matter, this Court does not find any merit in this writ petition. Accordingly, this writ petition is dismissed.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	23.06.2018
Transmission Date	N/A.

