

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1128 of 2017

In
Civil Writ Jurisdiction Case No.13939 of 2012

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Asha Nand Mishra, S/o Late Shoba Kant Mishra, Resident of Village+ P.O.-
Bhithi Salempur, P.S.- Pandaul, District- Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar through the Secretary Human Resources Development (Secondary Education) Department, New Secretariat, Baily Road, Patna- 1.
2. The Chairman, Bihar School Examination Board, Inter Council Bhawan, Budh Marg, P.S. Kotwali, Patna- 1.
3. The Secretary, Bihar School Examination Board. Inter Council Bhawan, Budh Marg, P.S.- Kotwali, Patna- 1.
4. The Joint Secretary, Bihar School Examination Board, Inter Council Bhawan, Budh Marg, P.S. Kotwali, Patna- 1.

... .. Respondent/s

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Appearance :

For the Appellant/s :

For the Respondent/s : Mr. Ashutosh Ranjan Pandey-AAG15

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 20-07-2018

Seeking exception to an order passed on 12.07.2017 in
CWJC No.13939 of 2012, this appeal has been filed under Clause
10 of the Letters Patent.

Grievance of the petitioner is that he was appointed as a
Basic Health Worker in the year 1986 by the Civil Surgeon-cum-
Medical Officer, Darbhanga. With regard to complaints made
against the illegal appointment made by the Civil Surgeon, it is
stated that an enquiry was conducted by a team headed by DDC
Darbhanga with regard to all appointments made in the District



between 1986-87 and in the enquiry no illegality with regard to appointment of the petitioner was found. However, again on the basis of the complaints received, the petitioner was directed to submit his matriculation certificate and mark sheet and series of reminders were also issued and it is stated that the petitioner could not submit the original mark sheet because he had applied for a duplicate mark sheet. In the meanwhile, his services were terminated. However, he filed the writ petition challenging an order dated 22.07.2011 passed by the Joint Secretary of the Bihar School Examination Board cancelling his matriculation certificate on the ground that he has sought for a certificate bearing Roll Code 3214 with Roll No. 526 and on verification from the records of the Board with regard to examination, it was found that no such candidate with Roll No.526 with Roll Code 3214 ever appeared in the examination. The entire certificate produced by him for which duplicate was sought for is a forged and fabricated document.

Challenging the order passed by the Board, the writ petition was filed and the Writ Court after examining the entire matter on record dismissed the writ petition.

Now, before us it is only stated by the petitioner that once in the enquiry conducted by the authorities of the Health Department, there was no illegality in the appointment of the



petitioner, there was no reason for cancelling his certificate or terminating him from service.

We are not impressed with the grounds canvassed by the petitioner. Once the basic qualification acquired by the petitioner is found based on the forged and fabricated document that was cancelled by the Board after proper enquiry, in the absence of there being any material to show that the enquiry and the conclusion arrived at by the Board is perverse and illegal decision, we see no error in the order of the learned Single Judge warranting reconsideration. The appeal stands dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
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