

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 1573 of 2015

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Ram Yatan Yadav Son of Sitaram Yadav, Resident of Village- Shoshuna, P.O. Malhad (Goh), District- Aurangabad Gaya as Assistant Teacher.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Patna.
2. The Director Secondary Education Department, Buddha Marg, Patna, Government of Bihar.
3. The Regional Deputy Director, Education, Gaya, District- Gaya.
4. The District Education Officer, Gaya.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 22922 of 2011

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Ramyatan Yadav Son of Sitaram Yadav, Resident of Village Shoshuna, P.O. Malhad (Goh), District – Aurangabad, At Present Posted at High School, Bumuar, Mohanpur, Gaya as Assistant Teacher.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director Secondary Education Department, Budh-Marg, Patna.
3. The Regional Deputy Director, Gaya , District – Gaya.
4. The District Education Officer, Gaya.

.... Respondent/s

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Appearance :

(In CWJC No.1573 of 2015)

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

(In CWJC No.22922 of 2011)

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 07-08-2018

Heard learned counsel for the petitioner and the State.

2. In C.W.J.C. No. 1573 of 2015, the petitioner has
moved the Court for the following reliefs:



“That this writ petition is being filed for issuance of a writ in nature of mandamus for setting aside the order dated 18.02.2011 passed by Director Secondary Education Bihar, Patna dismissing the petitioner from regular service of Assistant Teacher, who was appointed vide Notification No. 2/1991 vide letter No. 4253 dated 22.09.97 and the High School Bumuar till to day.”

Whereas in C.W.J.C. No. 22922 of 2015, the petitioner has moved the Court for the following reliefs:

“(i) For a direction to the respondents authorities to pay dues salary of the work done period as well as current payment of salary which has not been paid from 18.9.2006 to till date without reasonable ground.

(ii) Further for a direction to respondents authorities to grant the constitutional benefits for which petitioner is entitled in accordance with law and as well as on the facts and circumstances stated hereinafter.”

3. A counter affidavit has been filed on behalf of the respondents in which the stand is that the basis on which the petitioner has been allowed to join and work is a so called letter issued by the then Deputy Director of Education (Secondary), Patna contained in Memo No. 4253 dated 22.09.1997, which is different from the original in which the petitioner does not find place. Thus, in essence, the stand of the authorities is that the said appointment of the petitioner itself is based on forged and fabricated documents. Copy of the counter affidavit was served on learned counsel for the petitioner on 20.03.2017 and 07.10.2017 respectively, but no



rejoinder to the same has been filed.

4. In view thereof, once from the official records, it has been proved in an inquiry in which the petitioner was also issued show cause and he has also submitted his reply and the finding is that the original and genuine official records on the basis of which various persons were appointed and on which the petitioner also claims appointment being at serial no. 37 i.e., order of the Deputy Director of Education (Secondary), Patna contained in Memo No. 4253 dated 22.09.1997, does not include the name of the petitioner and rather at serial number 37 on which the petitioner claims he was recommended, there is name of Vibha Kumari, the Court finds that no further finding is required as matters have been verified from the official records after giving opportunity to the petitioner. Even perusal of the show cause filed by the petitioner indicates that he is harping only on the ground that a full fledged departmental inquiry should be conducted. The Court finds that once from the official records, the very documents on which the petitioner claims, it is found that the same is different from what has been produced by the petitioner and on which he has been appointed, no further inquiry is required and fraud/forgery stands proved. The law is well settled that fraud vitiates such action and all action taken pursuant to such appointment on forged and fabricated documents, the petitioner shall



lose his claim and right over all consequent events, including payment and obviously being retained in service.

5. For the reason aforesaid, the Court does not find any merit in the writ petitions and the same stand dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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