

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12416 of 2015

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Rajendra Kumar, Son of Ramsorup Yadav, Resident of Village - Ebrahimpur, P.S. - Goh, District - Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Magistrate, Aurangabad.
5. The District Education Officer, Aurangabad.
6. The District Programme Officer, Aurangabad.
7. The District Teachers Employment Appellate Authority, Aurangabad.
8. The Block Development Officer-cum-Chief Executive Officer, Goh, Aurangabad.
9. The Block Education Officer, Goh, Aurangabad.
10. The Block Teacher Appointment Committee, Goh, Aurangabad.
11. Kamlesh Kumar Son of Suraj Dayal Singh, Resident of Village - Siri Gariya, P.S. - Obra, District - Aurangabad.
12. Sudhir Kumar Sinha Son of Yugal Kishore Sinha, Resident of Village - Gohata, P.S. - Goh, District - Aurangabad.
13. Sanjay Kumar Sinha Son of Yugal Kishore Sinha, Resident of Village - Gohata, P.S. - Goh, District - Aurangabad.
14. Baban Kumar, Son of Duaheshwar Sinha, Resident of Village - Durgapur, P.S. - Goh, District - Aurangabad.
15. Surendra Kumar Sinha, Son of Yugal Kishore Sinha Resident of Village - Gohata, Karma Pandey, P.S. - Goh, District - Aurangabad.
16. Sujit Kumar, Son of Mahendra Singh, Resident of Village - Karmadih, P.S. - Barun, District - Aurangabad.
17. Pushpa Kumari, Daughter of Rampukar Prasad, Resident of Village - Ram Nagar, P.S. - Kudhma, District - Aurangabad.
18. Ram Naresh Singh, Son of Ramkirit Sinha, Resident of Village - Mohadipur, P.S. - Haspura, District - Aurangabad.
19. Afrina Khatoon, Daughter of Zahiruddin Ansari, Resident of Village - Amjhor Sharif, P.S. - Haspura, District - Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. L. K. Sharma, Mr. Rajesh Kumar and Mr. Premshankar Kumar, Advocates
For the State	:	Mr. N. Hoda Khan, S.C. 18 Mr. Manish Kumar, Mr. Rajendra Singh, Ms. Malti Kumari and Mr. Siyaram Pandey, Advocates
For the Respondent No. 16	:	Mr. Sanjay Kumar Jha, Advocate



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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 18-09-2018

Heard Mr. Ramakant Sharma, learned senior counsel
assisted by Mr. Rajesh Kumar, learned counsel for the petitioner and
learned S.C. 18 for the State.

2. The petitioner has moved the Court for the following
reliefs:

“That this is an application for issuance of appropriate writ/writs, order/orders, direction/directions for quashing the order dated 07.11.2014 made available to the petitioner under Right to Information Act on 21.05.2014 whereby and whereunder through a common order passed in Case No. 34/2013 (Sanjay Kumar Sinha Versus D.E.O. & others), Case no. 35/2013 (Sudhir Kumar Sinha Vs. D.E.O. & others), Case No. 36/2013 (Kamlesh Kumar Vs. D.E.O. & others), Case No. 37/2013 (Babban Kumar Vs. D.E.O. & others), Case No. 38/2013 (Surendra Kumar Vs. D.E.O. & others) has been allowed and all the private respondent has been directed to reinstated in the school and further directed to implement the order at the earliest preferably within a period of one month from the date of receipt of the order.

Petitioner further seeks Hon’ble Court’s indulgence commanding the respondent authorities especially respondent District Education Officer, Aurangabad to collect and verify the certificates submitted by the private respondent along with their application forms in pursuance of advertisement circulated in the month of 2008 and after verifying the authenticity of the certificates produced by the private respondent take a decision regarding removing or



reinstating the private respondent on the post of Panchayat/Block Teachers at different Middle School within the Goh Block as due to production of forged and fabricated certificates by the private respondent, petitioner loss the chance to be appointed on the post of Panchayat/Block Teacher as petitioner deprived the legitimate chance to be selected on account of large scale irregularity/illegality in effecting the appointment in pursuance of advertisement floated in the month of October, 2008.

Petitioner further seeks Hon'ble Court's indulgence commanding the respondent authority to appoint the petitioner on the post of Block Teacher by taking into account the fact that he is eligible and having valid certificate and if private respondent had not committed such mischief by producing forged and fabricated certificate then certainly petitioner comes within the recommendation zone in the appointment of Block teacher under Goh Block.

Petitioner further seeks any other relief/reliefs for which he is found entitled in the eye of law and in the facts and circumstances of the case.

3. After some arguments, learned counsel for the petitioner submitted that the writ petition be disposed off with liberty to the petitioner to move before the State Appellate Authority against the order passed by the District Teachers Employment Appellate Authority, Aurangabad.

4. Learned counsel for the State does not oppose.

5. In view thereof, the writ petition stands disposed off with the liberty aforesaid.



6. If such an appeal is filed by the petitioner before the State Appellate Authority, within six weeks from today, the same shall be considered and decided on merits, expeditiously and within the statutory period.

(Ahsanuddin Amanullah, J.)

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