

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 2504 of 2015

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Ram Naresh Choudhary Son of Jibachh Choudhary, Resident of Village-Khirhar,
P.O Khirhar, District – Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Madhubani.
3. The Superintendent of Police, Madhubani.
4. The District Education Officer, Madhubani.
5. The Block Education Officer, Umgaun (Harlakhi) Madhubani.
6. The Block Education Officer, Basopatti, Madhubani.
7. Bibha Choudhary @ Bibha Kumari @ Bibha Devi Wife of Binod Choudhary
Daughter of Brahmdeo Thakur, Resident of Village - Khirhar, Tola Balarahi,
P.O Khirhar, P.S- Khirhar, District - Madhubani.
8. Binod Choudhary Son of Ghuran Choudhary, Resident of Village - Khirhar,
Tola Balarahi, P.O Khirhar, P.S- Khirhar, District - Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mrityunjay Kumar, Advocate
For the State	:	Mr. Kumar Alok, S.C. 7
For the Respondents No. 7 & 8	:	Mr. Ram Bilash Roy 'Raman', Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 24-09-2018

Heard learned counsel for the petitioner; State and
respondents no. 7 and 8. Respondents no. 3, 4 and 5/6 are also
present.

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

*“I) For that the direction may be given to
the concerned respondents to remove the respondent
No.7 and 8 from the post of Panchayat teacher
posted at Rajkiya Primary School Balarahi within
Block Umgaun (Harlakhi) Gram Panchayat Jhitki
District Madhubani and posted at Rajkiya Primary
School Mahinathpur (Muslim) Block Basopatti,*



Gram Panchayat Mahinathpur District Madhubani respectively because they were appointed on the forge and fake certificate.

II) For that direction may be given to the concerned respondents to recover the government money from Respondent No. 7 and 8.

III) For that direction may be given to the concerned respondent to remove from the post of Panchayat teacher and fill up the post of Panchayat teacher at the place of Respondent No. 7 and 8.

IV) For that any other relief or reliefs may also be provided to the petitioners if they deserve the same.”

3. On 28.08.2018, the Court had noticed the fact that despite Madhubani Town P.S. Case No. 411 of 2007 filed on 02.12.2007, the affidavit of the Superintendent of Police, Madhubani on 25.04.2017, disclosed that the matter was still under investigation which the Court found to be serious and, thus, the respondents no. 3, 4, 5 and 6 were asked to appear and explain. In terms thereof, show cause has been filed on behalf of respondent no. 3 and counter affidavit on behalf of respondents no. 5 and 6.

4. Learned counsel for the State submitted that the office of respondents no. 5 and 6 is held by the same person.

5. From the materials brought on record and the stand taken by the officers before the Court, learned counsel for the State submitted that the police would ensure that the investigation in the case is taken to its logical conclusion and since the previous Investigating Officer was not doing the investigation properly, he has



been removed from the case and also departmental proceeding started. The Superintendent of Police, Madhubani has taken a categorical stand that now a special team has been created for conducting the enquiry in the present case and matters would be monitored at his level and the investigation would be completed without undue delay which he expects would not exceed six months.

6. Learned counsel for the respondents no. 7 and 8 submitted that they have been removed by the Panchayat Employment Unit and information sent to the respondent no. 6. Learned counsel submitted that the ground on which they have been removed is not tenable in law.

7. Though, learned counsel for the State tried to show that the initial appointment of the respondents no. 7 and 8 itself was not tenable and nothing illegal has been done, but the Court refrains from going into the merits of the matter with regard to the submissions made either on behalf of the State or the private respondents. Whatever has been done against the respondents no. 7 and 8 is a fresh cause of action for them as this Court at no point of time had given any specific direction to any of the authorities as to what action is required to be taken against them and, thus, whatever action which may have been taken is by the concerned authorities for which the respondents no. 7 and 8 are at liberty to move before the



appropriate forum, in accordance with law.

8. In view thereof, the writ petition stands disposed off in the aforementioned terms.

9. Personal appearance of the officers stands dispensed with.

(Ahsanuddin Amanullah, J.)

P. Kumar

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