

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16422 of 2013

Indu Kumari, wife of Vijay Kumar, resident of Village- Hasanganj, P.S.
Kasim Bazar, District-Munger

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Education Secretary, Department of Human Resources, New Secretariat, Patna
3. The District Magistrate, Munger
4. The Block Development Officer, Dharhara, P.S. Dharhara, District-Munger
5. The District Education Officer, Munger
6. The District Programme Officer (Establishment) Munger
7. The Block Education Extension Officer, Dharhara, P.S. Dharhara, Dist. Munger
8. The Panchayat Secretary, Gram Panchayat Sarobag, Block- Dharhara, P.S. Dharhara, Dist. Munger
9. The Mukhiya, Gram Panchayat Sarobag, Block- Dharhara, P.S. Dharhara, Dist. Munger

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Ms. Sushmita Mishra, Advocate
For the State	:	Mr. Rajiv Roy, GP-1
		Mr. Suresh Kumar, AC to GP-1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 05-09-2018

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

2. The petitioner has filed the present writ petition for
quashing of the order dated 17.6.2013 passed by the District
Programme Officer (Establishment), Munger.

3. From the pleadings, it appears that there is dispute for
use of false certificate in the process of obtaining admission in
Teachers Training Course.



4. On behalf of the respondents, a document has been filed to contend that the petitioner has used false matriculation certificate for obtaining admission in the Teachers Training Course. The document has been signed by the petitioner and her husband.

5. Learned counsel for the petitioner has made two fold submissions; firstly, she disputes the authenticity of the document and submits that the petitioner has not used any false certificate as there was no occasion for the petitioner to use such certificate as only 40% marks was required for taking admission in Teachers' Training Course and the petitioner though passed in third division but secured 44% marks which makes her eligible for taking admission in the course and secondly, learned counsel for the petitioner has submitted that in the process of passing the order against the petitioner, the respondents have not given opportunity of hearing and the petitioner has been condemned without opportunity of hearing. Specific statement has been made on behalf of the petitioner in paragraphs 20 to 23 of the writ petition which reads as follows:-

“20. That the petitioner states and submits that the non-payment of the salary of the petitioner without giving her any opportunity to be heard is wholly vitiated in law.



21. That the petitioner also states and submits that the petitioner is entitled for her due salary in view of the fact that she has been working on her post till date.

22. That the petitioner further states and submits that due to the non-payment of the due salary of the petitioner, the petitioner and her entire family has reached on the verge of starvation.

23. That the petitioner also states and submits that the rejection of the representation of the petitioner on the non est issue of only the allegation of producing false matriculation certificate at the time of getting admission in B.T. without producing the so called false certificate on record is wholly unsustainable in law.”

6. On behalf of the respondents, a counter affidavit has been filed in which it is stated that the petitioner has used false document for admission in B.T. course. From various paragraphs of the counter affidavit, it appears that specific reply to the averments made in paragraphs 20 to 23 of the writ petition is lacking.

7. Under the aforesaid circumstances, the matter is remitted back to the District Programme Officer (Establishment), Munger to cause an enquiry into the genuineness of the certificate of the petitioner used in the process of procuring admission and also examine the effect of procuring appointment on the basis of such certificate. The enquiry is to be done after opportunity of



hearing to the petitioner and until fresh decision is taken by the District Programme Officer (Establishment), Munger, the order as contained in Annexure-1 shall be kept in abeyance. Final decision in this regard must be taken by the District Programme Officer (Establishment), Munger within a period of four months from the date of receipt/production of a copy of this order.

8. The consequential benefits would abide by the final decision afresh after opportunity of hearing to the petitioner.

9. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.09.2018
Transmission Date	

