

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8501 of 2017

Arising Out of PS. Case No.-13 Year-2017 Thana- BARHARA District- Bhojpur

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1. Smt. Mona Kumari @ Mona Kumari, W/o Raj Kumar Suman.
 2. Smt. Priyanka Kumari @ Priyanka Kumari, W/o Angad Kumar Singh.
- Both resident of Village- Keshopur, P.S.-Barhahara, Distt.- Bhojpur.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Anil Kumar No.1, Advocate.
For the State	:	Mr. Prem Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date : 28-03-2018

Heard.

2. This application, under Section 482 of the Code of Criminal Procedure, has been filed on behalf of the petitioners to quash the F.I.R. of Barhahara P.S. Case No.13 of 2017 registered under Sections 406, 420, 467, 468, 471 and 120(B) of the Indian Penal Code against the petitioners.

3. The facts, leading to this application, are that one Dinanath Singh, Panchayat Secretary of Semariya Parariya Panchayat, P.S. + Anchal-Barhahara, District-Bhojpur, gave his written report on 10.01.2017 to the Officer Incharge of Barhahara Police Station, District-Bhojpur, to the effect that the District Programme Officer, Bhojpur, Ara, submitted the inquiry report



through letter no.428 dated 05.02.2014, according to which the Training Certificates of the petitioners were found not recognized by the NCTE. Accordingly, as per the letter no.1070 dated 05.03.2014 of the District Education Officer, Bhojpur, Ara, the appointment of both the petitioners was to be terminated and a compliance report was to be submitted within a week but due to delay, an explanation was called for by the District Panchayat Officer, Bhojpur, Ara, through Memo No.424 dated 06.05.2015 to him. Thereafter, he cancelled the appointment of both the petitioners vide letter no.2 dated 13.05.2015 and informed the petitioners and senior officers through registered post. The act of the petitioners to get the employment by submitting the training certificates, which were not recognized by the NCTE, amounts to commit the offence of cheating and drawing the salary by them for the period from 14.08.2010 to 13.05.2015 is illegal.

4. Learned counsel for the petitioners submits that vide order dated 22.06.2015 passed in C.W.J.C. No.15459 of 2014, a Division Bench of this Court directed to post the case after two weeks with a direction to the State, through the Education Department to publish a notice to the effect that in case any teacher of whatever category, has secured appointment on the basis of fake or fabricated certificates, submits his resignation within fifteen days from the date of notice, it would be accepted and no proceeding would be initiated against him either for prosecution or for recovery



of the amount already paid. If on the other hand, any teacher after this general amnesty is found to have secured appointment on the basis of fake and fraudulent certificates, he would not only be subjected to the prosecution for offence of cheating etc., but the amount paid to him shall be recovered, if necessary, by selling his properties, apart from disqualifying him from any employment, whatever, in the organizations of the State. The State shall ensure that this notice is published in the print and electronic media within two days. The District Education Officer shall ensure that a copy of the notice is displayed in every school maintained by the Government. It was also directed that a copy of the aforesaid order be given to Sri Lalit Kishore, the learned Principal Advocate General. Further submission is that, thereafter, the petitioners, who were appointed as Panchayat Teachers, in the light of the aforesaid order and notification issued by the District Education Officer, Bhojpur, Ara, sent the applications dated 06.07.2015, Annexures-4 and 6 to this applications, to the Block Development Officer, Barhahara, Bhojpur, for their resignation from the post of Panchayat Teachers with effect from 06.07.2015 but in spite of direction contained in the order dated 22.06.2015 passed in C.W.J.C. No.15459 of 2014 by a Division Bench of this Court, the present F.I.R. has been lodged illegally.

5. From perusal of the order dated 22.06.2015 passed in C.W.J.C. No.15459 of 2014, it appears that a Division Bench of



this Court directed State, through the Education Department to publish a notice to the effect that in case any teacher of whatever category, has secured appointment on the basis of fake or fabricated certificates, submits his resignation within fifteen days from the date of notice, it would be accepted and no proceeding would be initiated against him either for prosecution or for recovery of the amount already paid. If on the other hand, any teacher after this general amnesty is found to have secured appointment on the basis of fake and fraudulent certificates, he would not only be subjected to the prosecution for offence of cheating etc., but the amount paid to him shall be recovered, if necessary, by selling his properties, apart from disqualifying him from any employment, whatever, in the organizations of the State. The State shall ensure that this notice is published in the print and electronic media within two days. The District Education Officer shall ensure that a copy of the notice is displayed in every school maintained by the Government.

6. Annexures-4 and 6 to this application, which are said to be resignation letters of the petitioners, do not show that both the petitioners had filed the applications for their resignation to the post of Panchayat Teacher in the light of the order dated 22.06.2015 passed by a Division Bench of this Court in C.W.J.C. No.15459 of 2014 or the notification issued by the District Education Officer, Bhojpur, Ara, in compliance of the aforesaid order. Both the applications also do not bear the seal and signature of the office of



B.D.O. Barhahara, Bhojpur. As such, under the aforesaid facts and circumstances, I find no reason to exercise extraordinary jurisdiction under Section 482 of the Code of Criminal Procedure to quash the F.I.R. of Barhahara P.S. Case No.13 of 2017 registered under Sections 406, 420, 467, 468, 471 and 120(B) of the Indian Penal Code against the petitioners.

7. Accordingly, this application stands dismissed.

(Rajendra Kumar Mishra, J)

Pradeep Srivastava

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.04.2018.
Transmission Date	10.04.2018.

