

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9457 of 2016

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Dr. (Mrs.) Geeta Sinha, Rtd. University Prof. Patna University, W/o Sri U.P. Sinha, resident of L-1/34 PRDA Colony, Kankarbagh, P.S.- Kankarbagh, Distt- Patna.

.... Petitioner/s

Versus

1. The Patna University, Patna through its Registrar.
2. The Vice-Chancellor, Patna University, Ashok Rajpath, Patna
3. The Registrar, Patna University, Ashok Rajpath Patna
4. The Principal, Patna College, Patna.
5. The Chief Manager Allahabad Bank, Patna University Branch Patna- 800004.
6. The Budget & Accounts Officer, Patna University
7. The Finance Officer, Patna University, Patna
8. The Senior Superintendent of Police, Patna, Bihar. Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the University	:	Mr. Md. Nadim Seraj, Advocate
For the State	:	Mr. Ram Vinay Pd. Singh, AC to GA XII

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 11-04-2018

Nobody appears on behalf of the petitioner. Learned counsel for the State and Patna University (hereinafter referred to as the 'University') have assisted the Court.

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

“(a) For issuance of an appropriate writ and/or writs in the nature of certiorari to quash the impugned order as contained in memo no. AC/pen/46 dated 14/01/2016 issued under the signature of Registrar Patna University



incompliance of the V.C.'s order dated 08/09/2007/12/06/2015 which was passed in terms of order dated 02/08/2007 passed in C.W.J.C. No.-5526/2006 whereby the Chief Manager, Allahabad Bank, P.U. Branch Patna was informed that pension etc. of the petitioner namely Dr. (Mrs.) Geeta Sinha Retd. Prof. of Psychology Patna College superannuated on 28/02/2005 be stopped with immediate effect pertaining to her PPO No. 2217 & S.B. A/c no. 20245304422 at Allahabad Bank, PU Branch Patna as per the V.C.'s order referred above under intimation to the petitioners through Memo referred above.

(b) For a direction upon the respondents, particularly the vice-chancellor Patna University to continue payment of pension to the petitioner who was never deprived of her retiral dues including pension under the orders of the Hon'ble High Court passed in C.W.J.C. No. 5526/2006.

(c) For a direction upon the respondent no. 2 the vice-chancellor Patna University to restore payment of pension to the petitioner under PPO No.-2217 in respect of S.B.A/c No. 20245304422 opened with Allahabad Bank PU Branch Patna.

(d) For a direction upon the respondent no. 2 to make arrears of pension amount which was stopped from being paid to the petitioner under his orders dated 08/09/2007.



(e) For any others relief or reliefs to which the petitioner is found entitled to.”

3. It appears that the University had sent a complaint to the local police station for lodging of First Information Report but the same is now not traceable in the police station and no First Information Report was lodged. The petitioner had earlier also moved the Court in C.W.J.C. No. 8617 of 2005 in which the matter relating to claim of the petitioner with regard to date of birth was remanded to the Vice Chancellor for consideration. Pursuant thereto, the Vice Chancellor by order dated 23.01.2006 had rejected the claim of the petitioner holding it to be forged and fabricated. The petitioner being aggrieved had, thus, moved this Court in C.W.J.C. No. 5526 of 2006 in which, by order dated 02.08.2007, the Court had dismissed the writ petition and had given liberty to the Vice Chancellor to lodge First Information Report against the petitioner with the further observation that it will be equally open to him to take steps for deprivation and/or reduction of her post retiral benefits.

4. In this connection, the Court by its earlier order had directed the Senior Superintendent of Police, Patna to enquire as to what happened on the complaint sent to the local police station.

5. In terms thereof, counter affidavit has been filed by the Senior Superintendent of Police, Patna enclosing copy of the enquiry report, which reveals that there is no trace of the complaint



being received in the local police station and, further, there is no receiving available of any person who was posted in the concerned police station and the name of the person i.e., Sanjay Kumar which is shown in the peon book of the University at one place has been made after cutting the initial signature of the Officer Incharge of the police station and that the said Sanjay Kumar was never posted at the police station and, thus, the authorities are not aware as to who he was.

6. Having considered the matter, once the Court by earlier order dated 02.08.2007 in C.W.J.C. No. 5526 of 2006 had given a categorical finding in the following terms:

“ 10. It is relevant to state that the petitioner represented before this Court that she is daughter of Ram Bujhawan Sinha, so stated in her writ petition and is also mentioned in Annexures 7 and 8. This has to be seen in comparison with photo copy of the counter-foil supplied by the Headmistress (Annexure-20) which states Ram Nandan Prasad Singh as the father's name and, as stated hereinabove, has been converted to Ram Bujhawan Prasad Singh. All these are acts of mindless, disjointed and blatant forgery. These are essentially issues of facts which have been examined in depth by the Vice-Chancellor under the orders of this Court and has concluded that the petitioner has engaged herself in forgery and fraud, to cause wrongful gain to herself. I have myself examined the materials on record, as well as the original records



produced by the Vice-Chancellor. The findings of facts recorded by the Vice-Chancellor cannot be faulted.

11. The records place the petitioner in dim light. I am aghast at the enormity of the fraud played by the petitioner, though in a very crude manner stretching over a long period, and equally feel sorry that a person of the attainments of the of the petitioner who is Ph.D. in Psychology and was a Professor in Patna University, could stoop so low to commit a fraud of this nature for a small gain.

12. I equally feel sorry that the University has not perused this matter to its logical conclusion. A very unhappy development has taken roots in this country that appropriate action is not taken within the same institution or the department to protect the peer group. It may in addition be to avoid the work involved in the task. It will, therefore, be open to the Vice-Chancellor to lodge a first information report against the petitioner. It will be equally open to him to take steps for deprivation and/or reduction of her post-retirement benefits in accordance with law.

13. The writ petition is dismissed with costs quantified at Rs. 10,000/- (Ten thousand) which the University shall deduct from her post-retirement benefits.”,

which was not interfered by the Division Bench in L.P.A. No. 717 of 2007 and has attained finality, the categorical finding of fraud committed by the petitioner and the liberty given to



the University to take steps for deprivation and/or reduction of her post-retirement benefits in accordance with law not having been interfered with, when the University has now exercised such liberty, the Court finds no reason to interfere in the matter. Since the matter relates to fraud, which vitiates subsequent action, the conduct of the petitioner has disentitled her from any indulgence or relief by the Court, especially in its extraordinary, prerogative and discretionary writ jurisdiction under Article 226 of the Constitution of India. The Court would add here that even in terms of the liberty given to the petitioner to move before the competent civil court in the matter of determination of her age in L.P.A. No. 717 of 2007, the petitioner having filed Title Suit No. 409 of 2007 did not pursue the matter and by order dated 20.03.2014 it was dismissed as withdrawn.

7. In the aforesaid background and taking an overall view, the writ petition stands dismissed.

(Ahsanuddin Amanullah, J)

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