

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25480 of 2013

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Bishnudeo Prasad @ Vishnudeo Prasad, Son Of Late Gajanand Prasad
Resident Of Village + P.O. + P.S. Surjgarha, District - Lakhisarai, Retired
Assistant Teacher, Kanya Primary School, Keshopur, Anchal - Jhajha, District
- Jamui

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Education, Government Of Bihar, Patna
2. The Director, Primary Education, Bihar, Patna.
3. The District Education Officer, Jamui
4. The District Programme Officer (Establishment), Jamui
5. The Block Education Officer, Jhajha, District - Jamui
6. The Headmaster - Cum - Drawing & Disbursing Authority, Adarsh Middle School, Jhajha, District - Jamui

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Advocate
For the Respondent/s	:	Mr. Sarvesh Kumar Singh, AAG 13
		Ms. Sunita Kumari, AC to AAG 13

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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.

Learned counsel submits that the order contained in
Annexure-8 was passed behind the back of the petitioner and
without initiating a regular departmental proceeding against the
petitioner.

Learned counsel appearing on behalf of the respondents
submit that in this case the certificate of the petitioner was sent
to the Bihar School Examination Board for verification and on
verification certificate was found forged. Admittedly petitioner



was not heard before passing order adverse to the interest of the petitioner.

In view of the above, the writ petition is allowed. Annexure-8 is quashed. The respondents are directed to give opportunity of hearing to the petitioner including the opportunity to the petitioner to establish that the certificate obtained by the petitioner is genuine and in the event during inquiry the petitioner establishes that this certificate obtained from the Bihar School Examination Board is genuine and respondents are satisfied with such explanation, they may pass appropriate order in favour of the petitioner. In the event the certificate of the petitioner is found to be forged, the respondents are hereby directed to register criminal case against the petitioner for using the forged certificate.

Since the petitioner has superannuated the respondents have to take recourse under Section 43(b) of the Bihar Pension Rules, 1950 for taking appropriate action after quashing of the order contained in Annexure-8.

mrl./-

(Anil Kumar Upadhyay, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
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Transmission Date	N.A.

