

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.792 of 2017**

**In**

**Civil Writ Jurisdiction Case No. 19164 of 2014**

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Hari Lal Paswan Son of late Panchu Paswan Resident of Village- Dafarpur,  
P.O.- Dafarpur, P.S.- Bakhari, District- Begusarai.

.... .... Appellant/s

Versus

1. The State of Bihar through , the Principal Secretary Department of Education, Bihar, Patna.
2. The Principal Secretary Department of Education, Bihar, Patna.
3. The Director , Department of Primary Education, Bihar, Patna.
4. The Regional Director of Education, Munger.
5. The District Magistrate, Begusarai.
6. The District Education Officer, Begusarai.
7. The District Programme Officer (Establishment), Begusarai.
8. The Block Development Officer, Nawkothe Block, District- Begusarai.
9. The Headmaster, Primary School Bagar Block, Nawkothe, District- Begusarai.

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Kundan Kumar Sinha

For the Respondent/s : Mr. Ashutosh Ranjan Pandey-Aag15

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**

**and**

**HONOURABLE JUSTICE SMT. NILU AGRAWAL**

**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)**

5      17-04-2018                      Heard counsel for the appellant and counsel for the State.

No person can claim benefit of post-retiral dues or entitlement of such kind if it is found that the very appointment of such person was on forged and fabricated certificate of matriculation as well as teachers' training. Since the appointment of the appellant on the post of Assistant Teacher was based on



forgery and deceit, the learned Single Judge has rightly taken note of the principles of law relating to such matters and has rightly come to the conclusion that no direction can be issued for payment of pension or post-retiral dues as the very appointment if at all made was a *non est* appointment in the eye of law. No infirmity arises from the order impugned of the learned Single Judge.

Appeal is dismissed.

**(Ajay Kumar Tripathi, J)**

**(Nilu Agrawal, J)**

Rajesh/Devendra

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