

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3673 of 2019

-
1. Mukesh Ranjan Mishra and Ors S/o Krishna Ranjan Mishra resident of Village- Bartal, P.S. Suryagarah, District- Lakhisarai.
 2. Pinki Kumari D/o Mahendra Prasad Yadav resident of Village- Sajua, P.S. Asarganj, District- Munger.
 3. Komal Kumari D/o Ajay Kumar Thakur resident of Village- Nayagawn, P.S. Bath, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Bihar School Examination Board Budh Marg, Patna through its Secretary.
4. The District Magistrate, Munger.
5. The Deputy Development Commissioner, Munger.
6. The Block Education Officer, Asarganj.
7. The District Programme Officer (Establishment), Munger.
8. The Panchayat Secretary-Cum- Secretary Employment Unit, Gram Panchayat Raj Munger.
9. The Headmaster Primary School, Hatinath, Munger.
10. The Headmaster, Primary School, Sajua, Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Kumar Kamal Nayan, Adv.
For the Respondent/s	:	Mr.Pramod Kr. Singh, AC to SC 16
For the B.S.E.B.	:	Mrs. Binita Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 09-05-2019 The present writ petition has been filed for quashing the order dated 26.12.2018 issued by the District Programme Officer (Establishment), Munger whereby and whereunder the concerned Headmaster of the school has stopped the petitioners from discharging the duty in the school, merely on suspicion



that the certificates submitted by the petitioners have been forged.

The learned counsel for the Bihar School Examination Board has filed a counter affidavit and has submitted that since SIT has taken away all the record, no verification of the certificates is possible.

The learned counsel for the State has not been able to controvert the aforesaid position, as existing on facts, specially since the respondents have not conclusively found the certificates of the petitioners being either forged or fabricated, hence, there is no material on record to suggest conclusively that the certificates of the petitioners are forged.

Having regard to the facts and circumstances of the case, this Court is of the view that unless and until the authorities find conclusively that the certificates of the petitioners are forged, the petitioners cannot be prevented from discharging their duties, thus, the respondent authorities are directed to permit the petitioner to work and also make payment of the irregular salary forthwith.

The writ petition stands allowed.

Tiwary/-

(Mohit Kumar Shah, J)

U			
---	--	--	--

