

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.78 of 2019

Arising Out of PS. Case No.-383 Year-2018 Thana- KHARHAGPUR District- Munger

1. Tara Devi and Anr Late Bindeshwari Rai resident of Parsando, P.O- Parsando, P.S.- Haveli Kharagpur
2. Parwati Devi late Lalan Singh Resident of Village - Lakshmipur, P.S.- Haveli Kharagpur

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors Bihar
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna. Bihar
3. The District Magistrate, Munger at Munger, P.S. and District - Munger. Bihar
4. The Superintendent of Police, Munger at Munger, P.S. and District - Munger. Bihar
5. The Officer In-charge, Police Station- Haveli Kharagpur, District- Munger. Bihar
6. The Investigating Officer of Haveli Kharagpur P.S. Case No. 383/18, P.S.- Haveli Kharagpur, District Munger (Bihar)
7. Rahmat Ali late Md. Subhan Sub Inspector of Police, Vigilance Investigation Beuro, Patna (teacher's investigation incharge, Munger) of Ward No. 3, Khalilpur, P.S.- Fulwari Sharif, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Subhash Kumar Jha
For the Respondent/s	:	Mr.Archana Meenakshee Gp

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 14-03-2019

Heard learned counsel for the petitioners and learned counsel for the State.

2. This application under Article 226 of the constitution of India has been filed by the petitioner for setting aside the First Information Report (for short 'FIR') of Kharagpur P.S. Case No.



383 of 2018 dated 21.11.2018 registered under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code.

3. Learned counsel for the petitioners submitted that petitioner no.1 has been arrayed as an accused in the capacity of Ex-Mukhiya of Gram Panchayat Baijalpur and role against her attributed by the prosecution is that she actively connived in recruiting teachers on the basis of forged teachers eligibility training certificate whereas petitioner no. 2 has been arrayed as an accused in the capacity of Ex-Pramukh of Haveli Kharagpur and similar role has been attributed against her. He contended that during relevant time when the recruitment had taken place, the petitioners had already demitted their office. Hence, the entire allegation made against them is malicious in nature.

5. Per contra, learned counsel appearing for the State submitted that the FIR has been instituted on the basis of direction given by this Court in a public interest litigation on reported employment of large number of teachers in different Panchayats on the basis of forged educational certificates. The allegations made in the FIR attract the ingredients of the offences alleged. The defence of the petitioners cannot be looked into at this stage. Once the investigation is completed, the court may form its opinion regarding the culpability or otherwise of the petitioners.



6. Having heard learned counsel for the parties and perused the record, I find that the allegation in the FIR is based on the written report submitted by the Sub-Inspector, Vigilance Investigation Bureau. He has alleged in his written report that on the basis of a direction issued by this Court in a writ petition, which was filed in the nature of public interest litigation, verification of educational certificates of teachers employed since 2006 was carried out and by an order of the Superintendent of Police, Vigilance Investigation Bureau, Patna, he was deputed to investigate such cases in the Munger District. On the basis of inquiry conducted by him, it was found that in the employment unit Haveli Kharagpur three teachers had obtained employment on the basis of forged teachers eligibility examinations certificate. The inquiry also revealed that the petitioners in the capacity of Mukhiya and Ex-Pramukh actively participated in conspiracy with the teachers in appointing those teachers on the basis of forged certificates. The allegations would attract the ingredients of the offence. To hold investigation in a cognizable offence is statutory duty of the police. In the course of investigation, it is also the duty of the police to find out who the offenders are. In case, the culpability of the petitioners in the alleged offence would not be



found, the police would be at liberty to submit final report against them.

7. However, at this stage, it would not be proper for this Court to initiate a parallel inquiry or investigation in order to ascertain as to whether the petitioners had participated in the appointment process of the teachers or not, who obtained job on the strength of forged certificate. It is well settled position in law that at the stage of investigation the Court has no role to play.

8. In that view of the matter, I am not inclined to accede to the prayers made by the petitioners. The application is dismissed.

(Ashwani Kumar Singh, J)

pradeep/sneha

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	23-03-2019
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