

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.944 of 2019

Arising Out of PS. Case No.-459 Year-2018 Thana- SIWAN MUFFASIL District- Siwan

Nirmal Kumar Sahay, Son of Late Lalan Sahay, Resident of Village - Bisunpura, P.S.- Yadavpur, District- Gopalganj, posted as Agriculture Co-ordinators, Block-Darauli, District- Siwan

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Agriculture Department, Government of Bihar, Patna
2. The Director, Agriculture Department, Government of Bihar, Patna.
3. The District Agriculture Officer, Siwan.
4. The Staff Selection Commission through its Secretary, Patna, Bihar

... .. Respondents

Appearance :

For the Petitioner : Mr. Ansul, Advocate
For the Respondents-State: Mr. Sarvesh Kumar Singh, AAG-13

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date : 19-06-2019

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

2. This application under Articles 226 of the Constitution of India has been filed by the petitioner for quashing the first information report of Siwan Muffasil P.S. Case No.459 of 2018 registered under Sections 409, 420, 467, 468 and 471 of the Indian Penal Code.

3. Learned counsel appearing for the petitioner submitted that the allegations made in the first information report are false. The selection of the petitioner was made on the basis of



his educational certificate. He was posted as Agriculture Co-ordinator at circle office, Darauli even without proper verification of entire records. Only on the basis of tabulation chart, the Superintendent of Veer Bahadur Singh, Purbanchal University reported against the petitioner on the basis of which the first information report has been instituted. He contended that neither the university nor the appointing authority provided any opportunity to the petitioner or issued show cause or to clarify the genuineness of his alleged testimonials.

4. On the other hand, learned counsel appearing for the State submitted that after selection of the petitioner his testimonials were sent to the concerned university for verification along with 26 others. The report disclosed that he was not a student of the university. As far as the other 26 appointees are concerned, there was no adverse report against them. Hence, a first information report was instituted against the petitioner. He has contended that in view of the report of the university, it would be evident that the petitioner had procured his appointment on the basis of forged mark sheet.

5. I have heard learned counsel for the parties and perused the allegations made in the first information report. Since there is specific allegation against the petitioner that he had



obtained appointment on the basis of forged certificate, no illegality can be found in the action of the police in institution of the first information report.

6. In that view of the matter, the prayer of the petitioner can not be allowed. The application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.06.2019
Transmission Date	21.06.2019

