

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4153 of 2018

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1. Ranjeet Kumar Jha and Anr Son of Sri Kapileshwar Jha, Resident of Village-Tardiha, P.S.- Jagdishpur, District- Bhagalpur.
 2. Kaushal Kishore Jha, Son of Sri Kapileshwar Jha, Resident of Village-Tardiha, P.S.- Jagdishpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Mass Education, Bihar, Patna.
4. The District Magistrate, Jamui.
5. The District Education Officer, Jamui.
6. The District Education Officer, Bhagalpur.
7. The Programme Officer, Nonformal Education, Jagdishpur, Bhagalpur.
8. The District Public Education Officer Bhagalpur.
9. The Headmaster in charge, High School Arha Block Aliganj, District- Jamji.
10. The Head Master in Charge, Sarboday High School, Chtianni Block Aliganj, District- Jamui.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajendra Kumar Jain, Advocate
For the Respondent/s : Mr. Madanjit Kumar, G.P. 20

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 22-07-2019 Heard learned counsel for the petitioner and learned
counsel for the respondent State.

The petitioner is aggrieved by the order of
termination.

It appears from the order contained in Annexure 'H'
that the Experience Certificate used by the petitioner, on
verification, was found to be forged and thereafter a decision



was taken to cancel the appointment and recovery of the entire amount paid to the petitioner in one go and further legal actions.

Mr. Alok Kumar Chaudhary, learned counsel for the petitioner, would submit that the petitioner's certificates are genuine and he has been condemned unheard.

Considering the stand taken by the petitioner that he was appointed on the basis of genuine certificates and he was not provided proper opportunity of hearing, that the certificates used by the petitioner in procuring job are genuine, the action of respondents in cancelling the appointment of the petitioner is illegal and arbitrary.

Considering the stand taken by the petitioner in the present case, the counsel appearing on behalf of the respondents with reference to the paragraphs 31 and 32 of the counter affidavit, would submit that the decision of cancelling the appointment of the petitioner was taken after giving appropriate opportunity of hearing to the petitioner, and thereafter, on enquiry the certificates of the petitioner were found forged.

Under the aforesaid circumstances, the Court remit the matter back to the District Education Officer, Jamui to provide appropriate opportunity to the petitioner to establish that the certificates used by the petitioner in procuring job is legal



and valid. After hearing, if the District Education Officer, Jamui comes to a conclusion that the certificates used by the petitioner in procuring job were forged, then the order dated 18.08.2017 shall be given effect to. Meaning thereby, that not only the petitioner will loose his job but he will have to return the entire amount received by the petitioner on such appointment and he shall also be liable to the criminal case prosecution for using forged certificates.

With the aforesaid, the present writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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