

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1495 of 2019

Arising Out of PS. Case No.- Year-0 Thana- District- Gopalganj

BALESHWAR TIWARI S/o Sri Paramhansh Tiwari R/o village- Ishwapur,
P.S.- Kuchaikot, District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director general of Police, Bihar, Patna
3. The Inspector General of Police, Tirhut Zone, Muzaffarpur
4. The Deputy Inspector General of Police , Saran at Chapra
5. The Superintendent of Police, Gopalganj, District- Gopalganj
6. The Sup-Divisional Police Officer, Hathua, District- Gopalganj
7. The Station Head Officer (S.H.O.), P.S.- Kuchaikot, District- Gopalganj
8. The Principal Secretary, Department of Human Resources Development, Govt. of Bihar, New Secretariat Vikas Bhawan, Patna
9. The Secretary, Higher Education, Department of Human Resources Development, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna
10. The Director (Madhyamik Education), Department of Human Resources Development, Govt. of Bihar New Secretariat, Vikas Bhawan, Patna,
11. The Regional Deputy Director of Education, Saran Division, Chapra
12. The District Education Officer, Gopalganj, District- Gopalganj
13. The District Programme Officer, Siksha, Gopalganj, District- Gopalganj
14. The Bihar School Examination Board (Higher Secondary), Patna through its Chairman
15. The Chairman, Bihar School Examination Board (Higher Secondary), Patna Bihar
16. The Secretary, Bihar School Examination Board (Higher Secondary), Patna
17. The Branch Manager, Central Bank of India, Branch- Jalalpur, Gopalganj
18. Ram Dular Prasad @ Dr. Ram Dular Das S/o Late Deo Narayan Rawat R/o village and Post- Agya Mahamada, District- Siwan, the Founder Secretary/Ex- Secretary, Managing Committee, Shree Mahendra Das Inter College, Mathia Nechua Jalalpur, Gopalganj
19. The Secretary of Managing Committee, Shree Mahendra Das Inter College Mathia Nechua Jalalpur (Gopalganj),

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Nityanand Mishra
For the Respondent/s	:	Mr.M. Nasrul Huda Khan



CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT
Date : 18-11-2019

The present writ petition has been filed for the following reliefs as formulated by the petitioner__

“(i) That this is an application for issuance of an appropriate writ/writs in the nature of mandamus directing/commanding the respondent no. 7 (the SHO, PS Kuchaikot) to register the First Information Report against respondent no. 18 (Ram Dular Prasad @ Ram Dular Das) in accordance with law for such type of fraud committed by the respondent no. 18 (Ram Dular Prasad @ Ram Dular Das) by holding post of Principal on the basis of forged certificate and further to recover all the paid amount by way of salary and other means as received by him earlier along with interest.

(ii) For further directing and commanding the respondent nos. 8 to 16 not to release the fund to the Secretary, Managing Committee, Shree Mahendra Das Inter College, Mathia, Nechua Jalalpur, P.S. Kuchaikot, District Gopalganj and Dr. Ramdular Prasad son of late Deo Narayan Rawat, resident of village and Post Agya Mahamada, District Siwan (respondent no. 19 and 18) as he has misused the Govt. money on the basis of forged certificate as his basic qualification certificate i.e. Matriculation



certificate, is forge and fabricated and also received salary/payment as fake teachers/staffs and his relatives who are not actually engaged/employed in the said Inter College.

(iii) Further for direction to the respondent no. 8 to 16 to stop immediately releasing the fund to the respondent no. 18, because he has enjoying and misusing the Government money as he is not eligible to use the Government money because his basic qualification certificate was achieved by making fraud.

(iv) Further for directing the respondent concerned to initiate a proceeding against the respondent no. 18 in accordance with law for such type of fraud committed by the respondent no. 18 by holding post of Principal on the basis of forged certificate and further to recover all the paid amount by way of salary and other means as received by him earlier along with interest.

(v) For any other relief/reliefs, for which the petitioner is entitled to."

2. As far as the grievance relating to non-registration of the FIR is concerned, the petitioner does not appear to have taken any remedial steps as provided under the Code of Civil Procedure. Learned counsel for the petitioner has not demonstrated that he has approached



the higher authorities or filed any appropriate application before the learned Court below in that regard.

3. As regards prayer for restraining the respondent no. 18 from making further withdrawals on the basis of forged signature of the petitioner and the connected reliefs, it has been stated in para 15 that a writ petition had earlier filed in CWJC No. 3735 of 2018 which was however dismissed on 03.08.2018 with liberty to the petitioner to pursue his remedy before the concerned authorities. Learned counsel for the petitioner has not shown that pursuant to such order he has taken any steps for pursuing his remedy before the authorities.

4. In the above circumstances, this Court is not inclined to interfere in the matter. The writ petition stands dismissed.

Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.11.2019
Transmission Date	18.11.2019

