

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2040 of 2020**

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1. Geeta Kumari, W/O Harishankar Kumar Yadav, Resident of Village and P.O. Bakatpur, P.S. Kanti, District- Muzaffarpur.
  2. Vikash Kumar, S/O Chandeshwar Bhagat, Resident of Village and P.O. Bakatpur, P.S. Kanti, District- Muzaffarpur.
  3. Brahamdeo Sahani, S/O Rajeshwarr Sahni, Resident of Village Bankhobhi, P.S. Vaishali (Belsar O.P.) District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Education, Bihar, Patna.
2. The District Education Officer, Muzaffarpur.
3. The district Programme Officer (Establishment) Muzaffarpur.
4. The Block Education Officer, Kanti, Muzaffarpur.
5. The Panchayat Secretary, Panchayat Raj Bakatpur, Block, Kanti, District Muzaffarpur.
6. The Headmaster, Primary School, Bakatpur, Kushwaha tola Blo0ck Kanti, District- Muzaffarpur.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr.Rajeev Ranjan No.II, Advocate |
| For the Respondent/s | : | Smt.Shilpa Singh (GA-12)         |
|                      |   | Ms. Abhanjali, AC to GA-12       |

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

2      19-02-2020                      Heard learned counsel for the petitioners and the State.

Learned counsel for the petitioners submits that even if the petitioners were appointed on the basis of forged and fabricated certificates but they alone cannot be roped in the criminal case; those who are responsible for appointment of the petitioners are also liable to be prosecuted but the State is only



adopting pick and choose in the matter of fixing criminal liability.

The contention of the petitioner is well founded. The Court is constrained to direct the respondents to lodge case not only against the beneficiary but also those who were responsible for such appointment as well as those who allowed the petitioner to work in the school in question and proceed against them in criminal case. Necessary action in this regard must be taken by the respondents within a maximum period of four months from the date of receipt/production of a copy of this order.

So far as the payment of salary/remuneration is concerned, the Court cannot grant indulgence in a case of appointment on forged document as that will amount to perpetuating illegality.

With the aforesaid, the writ petition stands disposed of.

**(Anil Kumar Upadhyay, J)**

spandey/-

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