

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12852 of 2017

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Anish Kumar @ Anish Kumar Jha Son of Shree Madan Mohan Jha, Resident of VillagePost Office- Koriahi, Police Station- Sursand, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director-cum-Joint Secretary, Education Department Primary Section, New Secretariat, Bihar, Pa
3. The Commissioner, Tirhut Division, Muzaffarpur.
4. The Regional Deputy Director, Tirhut Division, Muzaffarpur.
5. The District Magistrate, Sitamarhi.
6. The District Education-cum-Programme Officer, Sitamarhi.
7. The Member Secretary, Block Employment Niyojan Committee-cum-Block Development Officer, Sursand, Sitamarhi
8. The Headmaster, Middle School, Koriyahi, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jiwan Prakash Sinha, Advocate
For the Respondent/s : Mr.Madhaw Prasad Yadav -GP-23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 18-02-2020 Learned counsel appearing on behalf of the petitioner submits that the petitioner has not been paid salary for the period the petitioner has worked. He submits that out of seven years service rendered by the petitioner, he was not paid salary for two months.

With respect to the other grievance as to termination of the petitioner, learned counsel appearing on behalf of the State, with reference to paras 16 and 17 of the counter affidavit, submitted that the petitioner has obtained appointment on the



basis of forged certificate and verification in this regard has been done by the respondents and after approval, the services of the petitioner was dispensed with.

In a case of appointment on the basis of forged certificate, the Court cannot give indulgence on the ground of non-compliance of principles of natural justice. Law in this regard is well settled by the Apex Court in the case of **Canara Bank Vs. V.K. Awasthy: (2005) 6 SCC 321.**

So far as payment of salary for the period the petitioner has worked, the petitioner is granted liberty to approach the respondent-authorities including the District Programme Officer for redressal of his grievances as to non-payment of salary for the period he has worked.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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