

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21933 of 2019

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Surendra Prasad Singh Son of Late Indradev Prasad Singh, Resident of Village- Kerma, P.S.- Chebara, District- Jamui, at present residing at Mahisaudi, P.S. and District- Jamui. Petitioner

Versus

1. The State of Bihar the Principal Secretary, Human Resources Development Department, Bihar, Patna.
2. The Director (Secondary Education) Bihar, Patna.
3. The District Magistrate, Jamui, P.O. and P.S. and District- Jamui.
4. The District Education Officer, Jamui, P.O. and P.S. and District- Jamui.
5. The District Programme Officer, Establishment (Education), Jamui, P.O. and P.S. and District- Jamui.
6. The Drawing and Disbursing Officer-cum-Headmaster, Janta High School, Arsar, Jamui, P.O. Amarath, P.S. and District- Jamui.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Prakash Mahto
For the Respondent/s : Mr.Shankar Kumar Thakur, AC to GP-27

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 09-01-2020 This writ application has been filed seeking direction to the respondents to make payment of arrears of salary from 05.11.2014 to 22.12.2014 and July 2015 as well as cash equivalent to unutilized earned leave, gratuity and pension.

This is to be noted that, admittedly, the petitioner was appointed as Assistant Teacher. He was dismissed from service by an order dated 30.06.2015 on the ground that he had secured appointment on the basis of fake and forged certificates in respect of his educational qualification. The said order dated 30.06.2015, passed by the Director, Secondary Education, Bihar,



was put to challenge before this Court by filing C.W.J.C. No. 4000 of 2017, which came to be dismissed by an order dated 29.08.2019. The order dated 29.08.2019 reads thus : -

“This writ application has been filed seeking quashing of the order dated 30.06.2015, passed by the Director, Secondary Education, Bihar, Patna, whereby the petitioner has been dismissed from service on the ground that he had secured appointment on the basis of fake and forged certificates in respect of his educational qualification. It transpires that the petitioner was given an opportunity to explain his conduct and Inquiry Officer was appointed, who found the charge against the petitioner proved in the departmental enquiry. Copy of the enquiry report was made available to the petitioner and he was given an opportunity to file his second show cause dealing with the report of the Inquiry Officer.

2. It further transpires from the pleadings on record that the main allegation against the petitioner was of having joined the Government service of Assistant Teacher by producing forged documents. When the matter was taken up on 01.08.2018, a submission was made on behalf of the petitioner that he had filed certificates through his wife Kiran Lata Devi and that the disciplinary authority-cum Inquiry Officer had wrongly held that the petitioner was appointed on the basis of forged certificates. This Court by order dated 01.08.2018, had directed learned counsel for the petitioner to bring on record the certificates on the basis of which he was appointed in the service of Education Department. The said order has not been complied with by the petitioner.

3. In the aforesaid background, the impugned action of the respondents does not require any interference.



4. This application is, accordingly, dismissed.”

It is evident from the order dated 29.08.2019 that this Court, by way of indulgence, had granted liberty to learned counsel appearing on behalf of the petitioner to bring on record the certificates on the basis of which he was appointed in the service of the Education Department. The petitioner had failed to bring on record the certificates in the proceedings of C.W.J.C. No. 4000 of 2017.

Counter affidavit has been filed on behalf of the respondents denying the claim of the petitioner as the appointment of the petitioner as Assistant Teacher has been cancelled on the ground that it was based on fake and forged certificates.

In view of the above noted facts, since the petitioner's certificates have been found to be fake and forged, no relief, which the petitioner is seeking, can be granted.

This is frivolous application, which is dismissed accordingly.

(Chakradhari Sharan Singh, J)

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