

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5125 of 2020

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1. Ram Naresh Manjhi, son of Mohan Manjhi, Resident of Village Karmaini Ghazi, P.S.- Kuchaikot, District- Gopalganj.
 2. Rajesh Kumar Sah, son of Paras Nath Sah, Resident of Village Karmaini Ghazi, P.S.- Kuchaikot, District- Gopalganj.
 3. Shankar Bhagwan Yadav, son of Ramnath Yadav, Resident of Vill.- Laxmipur, P.S.- Bishambharpur, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Principal Secretary, Department of Human Resource Development, Govt. of Bihar, Patna.
3. District Education Officer, Gopalganj.
4. District Programme Officer (Estb.) cum Nodal Officer, Vigilance Cell, Gopalganj.
5. Block Development Officer, Kuchaikot, Dist.- Gopalganj.
6. Block Education Officer, Kuchaikot, Dist.- Gopalganj.
7. Mukhiya, Gram Panchayat Raj Siswan, Kuchaikot, District- Gopalganj.
8. Mukhiya, Gram Panchayat Raj Baliwan Sagar, Kuchaikot, District- Gopalganj.
9. Panchayat Secretary, Gram Panchayat Raj Siswan, Kuchaikot, District- Gopalganj.
10. Panchayat Secretary, Gram Panchayat Raj Baliwan Sagar, Kuchaikot, District- Gopalganj.
11. Secretary, Bihar School Examination Board (Senior Secondary), Budhh Marg, Patna the then Bihar Intermediate Council, Patna.
12. Additional Director General, Vigilance Bureau, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Prabhakar Singh, Advocate
For the State	:	Mr. S.K. Ranjan, AC to GP-17
For BSEB	:	Mr. Satyabir Bharti, Advocate
		Mr. Gyan Shankar, Advocate
For Vigilance Department :		Ms. Archana Palkar Khopde, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

8 27-09-2021

Heard learned counsel for the parties.



2. Petitioners have sought for a direction to the Principal Secretary, Human Resources Department, Government of Bihar to update their marks of Geography Theory paper in their records which were awarded belatedly by Bihar School Examination Board (for short the Board). They are also seeking quashing of letter dated 06.01.2020 (Annexure-3), whereby respondents No. 5 to 10 were directed to terminate the services of the petitioners from the post of *Panchayat* Teacher. The said letter was apparently issued on the premise that the certificates submitted by the petitioners in support of their educational qualification for the purpose of their respective appointment, were forged and fabricated. Pursuant to the said letter dated 06.01.2020 addressed to respondents No. 5 to 10, the services of these petitioners were terminated and a criminal case has also been registered against them giving rise to Bishambharpur (Kuchaikot) P.S. Case No. 173 of 2019.

3. Affidavits have been filed on behalf of the Board, wherein the Board has accepted that the certificates submitted by the petitioners in support of their educational qualification were earlier reported to be not genuine, in course of verification. It has, however, been specifically stated in the affidavits filed on behalf of the Board that now necessary corrections in the



tabulation register has been made. It is no more in dispute thus that the certificates submitted by the petitioners are genuine

4. It is stated by Mr. S.K. Ranjan, learned AC to GP-17, that counter affidavits have also been filed on behalf of the District Magistrate, Gopalganj and the District Programme Officer (Establishment) of the said district and according to them, the grievance of the petitioners, in view of the stand taken in the counter affidavits, stands redressed. The order of termination of the petitioners has been recalled and decision has been taken to reinstate them in service.

5. Learned counsel appearing on behalf of the petitioners admits that the petitioners have been taken back in service. He, however, contends that in view of the stand taken on behalf of the Board and the State of Bihar, the criminal case lodged against them should not be allowed to continue. He has further submitted that on the basis of facts, which are admittedly incorrect, the petitioners were restrained from discharging their duties, and, therefore, they are entitled for full salary for the said period.

6. Considering the pleadings on record and the stand taken on behalf of the State of Bihar, this writ application is disposed of with a direction that let the petitioners be reinstated



forthwith in service, if not already reinstated. The petitioners shall be at liberty to file their representations before the competent authority for payment of salary for the period during which they were not allowed to discharge their duties on wrong assumption of facts, though they were willing to discharge their duties. They shall also be at liberty to approach any other authority in respect of their grievance. If any representation is filed for payment of salary for the period in question, the Court expects that the respondents shall take a decision, which is reasonable and fair, within a period of one month from the date of representation of the petitioners.

(Chakradhari Sharan Singh, J)

Rajesh/-

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