

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13319 of 2022

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Deepak Kumar S/o Mahavir Sharma @ Mahavir Prasad Sharma R/o Village-
Bela (Noubad) P.O.- Bela (Noubad), P.S.- Beldaur, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary Education Department, Govt. of Bihar, New Secretariat, Patna.
2. The Director (Primary Education), Govt. of Bihar, New Secretariat, Patna.
3. The District Magistrate, Khagaria.
4. The District Education Officer, Khagaria.
5. The District Programme Officer (Establishment), Khagaria.
6. The Block Development Officer, Baildaur, Khagaria.
7. The Block Education Officer, Baildaur, Khagaria.
8. The Panchayat Secretary, Gram Panchayat Raj, Pachaut, Baildaur, Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Kumar, Adv.
For the State	:	Mr. Prabhakar Jha (GP27)
		Mr. Umesh Narayan Dubey AC to GP27

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

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| 2 | 30-11-2022 | 1. The petitioner assails the order passed by the State Appellate Authority dated 29 th July 2022 whereby the appointment of the petitioner was held to be bad in law and the order passed by the District Appellate Authority was quashed, the appeal was allowed. The appointment of petitioner was cancelled from the date of appointment itself. Learned counsel for the petitioner submits that the petitioner although admittedly secured appointment on the basis of the certificate issued by Madhyamik Shiksha Parishad, however realizing that the |
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certificate is fake, the petitioner also obtained intermediate certificate (regular) from Bihar Intermediate Council and in view of the said certificate, there was no occasion to remove the petitioner from the post. He relies on the order passed by Division Bench of this Court in Letters Patent Appeal no. 50/2015 **Rohit Das and another Vs. State of Bihar** decided on 17th January 2019, to submit that on having acquired a recognized qualification, the petitioner ought to be allowed to continue.

2. I have considered the submissions and perused the judgment passed by the Division Bench dated 17.01.2019. While respectfully considering the said judgment, this Court finds that the same is in relation to the facts of the said case alone, where both the petitioner had been absorbed as block teachers and on the basis of their earlier qualification which stood derecognized and subsequently the said teachers secured recognized qualification and the Court has granted them indulgence to continue.

3. In the opinion of this Court, the petitioner having full knowledge that the Institute is a fake institute, obtained that said certificate from this Madhayamik Shiksha Parishad and used it for the purpose of seeking employment.



4. In the investigation, it has already come on record that there is no regular institute by the name of Madhayamik Shiksha Parishad, Delhi and the certificates are wholly fake. Therefore, in the opinion of this Court, no benefit can be extended to a person who has obtained employment by fraudulent means taking away right of others who acquired qualification from recognized genuine institutes.

5. If the petitioner has acquired recognized qualification now as he states, he can always apply afresh against any new advertisement on the basis of the said qualification. However, his appointment based on a forged document cannot be restored. The State Appellate Authority's order dated 29th July 2022 therefore is affirmed.

6. The writ petition is dismissed. No cost.

(Sanjeev Prakash Sharma, J)

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