

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19058 of 2021

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Sarika Kumari @ Sarika Singh Wife of Sanjeev Kumar Resident of Village
Maraiya P.O.-Badurban P.S. Baruraj District Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary Department of Education Government of Bihar New Secretariat, Patna.
2. The Principal Secretary Government of Bihar Department of Education Government of Bihar, New Secretariat Patna.
3. The Director, Primary Education Government of Bihar Patna.
4. The District Magistrate, Muzaffarpur
5. The District of Education Officer, Muzaffarpur
6. The District Programme Officer (Establishment), Muzaffarpur.
7. The Block Education Officer Motipur Muzaffarpur.
8. The Block Development Officer, Motipur Muzaffarpur.
9. The Gram Panchayat Raj, Ibrhaimpur, Motipur, Muzaffarpur through its Panchayat Secreary.
10. The Mukhiya Gram Panchayat Raj Ibrhaimpur, Motipur Muzaffarpur.
11. The Panchayat Secretary Gram Panchayat Raj Ibrhaimpur, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Verma, Adv.
For the Respondent/s : Mr. Madhaw Prasad Yadaw (GP 23)

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 16-09-2022 Heard both the parties through video conferencing.

1. The petitioner by way of this writ petition prays to direct the respondents to fill up the post of Panchayat Teacher of Ibrahimpur Panchayat by adopting due procedure for selection and also denouncing the illegal and fraudulent selection and absorption of previous Panchayat Shikshamitras who were appointed on forged certificate and cease to be Panchayat Shikshamitra before 01.07.2006. Learned counsel submits that enquiry be conducted on



the large scale of fraudulent appointments made committing forgery and jugglery and also realizing the public money on salary of such teachers who obtained appointment by fraudulent means.

2. I have considered the submissions.

3. The petitioner has not impleaded any person as a party to the writ petition. In **Prabodh Verma & ors. Vs. State of Uttar Pradesh & ors.**, reported in **1984 (4) SCC 251**, the Supreme Court has held as under:

“ (1) A High Court ought not to hear and dispose of a writ petition under Article 226 of the Constitution without the persons who would be vitally affected by its judgment being before it as respondents or at least some of them being before it as respondents in a representative capacity if their number is too large to join them as respondents individually, and, if the petitioners refuse to so join them, the High Court ought to dismiss the petition for non-joinder of necessary parties.”

4. None impleadment is treated as a fatal to the case. Secondly this Court finds it as bald allegation made in the writ petition and alleged that there has been a fraudulent appointment. No instance of proved fraud has been placed. This Court under Articles 226 and 227 of the Constitution is not going to enter in a fishing enquiry. It is in the realm of the Government to examine the veracity and authenticity of the eligibility documents produced by the teachers who have been



appointed by them and if they find that anyone has been appointed by fraudulent means his/her appointment is liable to be cancelled.

5. While the aforesaid directions are meant for the State Government, in the opinion of this Court, no right is created in favour of the petitioner who claims to have participated in the selection process way back in the year 2005. Even if today any appointments are cancelled, the cancellation would not relate back to 2005 and the petitioner cannot claim that he should be offered appointment.

6. In view thereof, the writ petition is found to be misconceived and is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

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Item no. 39

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