

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19193 of 2021

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Mira Kumari Wife of Late Angad Sharma @ Agad Sharma Daughter of Shiv Nandan Thakur, Resident of Village - Sutihara, Via- Sursand Sutihara Ram, Police Station- Parihar, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Department of Primary Education, Government of Bihar, Patna.
4. The District Education Officer, Sitamarhi.
5. The District Programme Officer (Establishment), Sitamarhi.
6. The Block Development Officer, Parihar, District- Sitamarhi.
7. The Block Education Officer, Parihar, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajey Kumar, Adv.
For the Respondent/s : Mr. Samir Kumar, AC to SC XVI

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL JUDGMENT

Date : 22-11-2022

Heard the parties.

2. The petitioner has preferred this writ petition praying for quashing the order dated 1st June, 2016, passed by respondent no. 6 whereby she was removed from service on the basis of a letter of Vigilance Department registering a case against her alleging to have obtained appointment on the basis of a forged certificate.



3. Learned counsel for the petitioner has submitted that the Vigilance Department has conducted verification of the petitioner's documents relating to her educational qualification and thereafter it was found that the case was wrongly registered against her as all the documents were found to be genuine. The petitioner reported to the District Programme Officer (Establishment), Sitamarhi, who again asked for verification from the Vigilance Department relating to the petitioner's documents vide letter dated 17th July, 2020. In response to the said, the Vigilance Department sent a communication on 8th of August, 2020, to the District Programme Officer (Establishment), Sitamarhi, informing about the verification conducted about the documents of the petitioner as well as other two teachers and genuineness thereto. Learned counsel for the petitioner submits that in spite of the same the petitioner was not reinstated.

4. Counter affidavit has been filed by the District Programme Officer (Establishment) who states and accepts the aforesaid facts as stated by the petitioner. However, it is stated by him that as the verification has not been received directly by the respondents from the concerned University/Board, the verification document submitted by the police can not be relied upon unless verification directly received from the concerned University/Board



and he therefore has submitted that the petitioner can not be reinstated. An objection has also been raised with regard to the petitioner approaching the Court directly instead of preferring appeal before the District Appellate Authority/State Appellate Authority.

5. A supplementary affidavit has been filed by the petitioner pointing out that she was removed vide order dated 1st June, 2016, she has not been employed anywhere and the prayer to reinstate the petitioner with all consequential benefits.

6. Learned counsel for the petitioner has argued further that the basis of termination was the vigilance case registered against the petitioner. Since the said case has been found to be false by the Vigilance Department itself, there is no occasion for the respondents to deny reinstatement.

7. I have considered the submissions noted above.

8. Considering the aforesaid aspects, this Court is satisfied that the only reason for termination of petitioner from service was the letter of Vigilance Department informing of registration of case against the petitioner on the ground of doubt created to her certificate/educational qualification. Once the Vigilance has verified from the appropriate authorities about the genuineness of the certificates of the petitioner, there was no



occasion for the respondents to deny reinstatement, ground taken in the counter affidavit of separate verification from the Board is found to be wholly frivolous and only an abuse to deprive the petitioner from continuing in service.

9. In view of above, this writ petition is allowed. The petitioner is directed to be reinstated on the post on which she was working with actual consequential benefits of pay allowances. The reinstatement shall be done within a period of one month. No costs.

(Sanjeev Prakash Sharma, J)

Shamshad/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.12.2022
Transmission Date	NA

