

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19647 of 2021

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Zubair Ahmad, son of Tufail Ahamad, resident of Village-Mirjapur, P.S.-
Biroul, District-Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, the Human Resource Department, Old Secretariat, Patna, Bihar.
2. The District Magistrate, Darbhanga.
3. The District Education Officer, Darbhanga.
4. The District Programme Officer, Darbhanga.
5. The Block Education Officer, Biroul, Darbhanga.
6. The Headmaster Plus 2 Kamla High School, Pokhram, Darbhanga.
7. Abdus Shakur, son of Md. Hanif Momin, Village-Balaha, P.S.-Beroul, District-Darbhanga at present Assistant Teacher, Rajkiya Middle School, Chamugharari Urdu Block-Beroul, District-Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ghanshyam Choudhary, Advocate
For the Respondent/s : Smt. Shilpa Singh (GA-12)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 06-01-2022

Heard learned counsel for the parties.

2. Petitioner has prayed for the following relief(s):-



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- I. For issuance of appropriate writ to commanding the respondent authorities to cancel/disqualify the appointment of the respondent no.7, who has appointed at the post of Teacher on basis of the forged date of birth and documents.
- II. For issuance of the writ to commanding the respondent authorities to recovery of the payment of the respondent no.7 and further civil as well as criminal proceeding against him.
- III. For issuance of any other Writ/Writs, direction/directions, Order/Orders to which the petitioner is entitled in the ends of justice.

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3. After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

4. Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and



preferably within a period of four months from the date of its filing along with a copy of this order.

5. Statement accepted and taken on record.

6. As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(e) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(f) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law,



before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(g) Liberty reserved to the petitioner to approach the appropriate forum, if the need so arises subsequently on the same and subsequent cause of action;

(h) We have not expressed any opinion on merits. All issues are left open;

(i) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

7. The petition stands disposed of in the aforesaid terms.

8. Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

PKP/Amrendra

AFR/NAFR	
CAV DATE	
Uploading Date	10.01.2022
Transmission Date	

