

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16437 of 2022

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Rajnish Ranjan S/o Late Kamta Sharma Resident of Village- Taret, P.O. and
P.S.- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director Primary Education, Bihar.
2. The District Magistrate, Patna.
3. The Panchayat Secretary, Gram Ajwan, Block- Naubatpur, Patna.
4. The Mukhiya, Gram Ajwan, Block Naubatpur, Patna.
5. Sri Shrutidhar Sharma son of Late Tapeswar Sharma, Resident of Village-
Tarait, P.O. and P.S.- Naubatpur, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhaneshwar, Adv.

For the Respondent/s : Mr. Madanjeet Kumar (GP 20)

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

ORAL ORDER

2 02-12-2022 1. The petitioner by way of this writ petition has
prayed as under :-

*“1. That the instant writ petition is being filed
on behalf of above named petitioner praying for issuance of
an appropriate writ/writs, order/orders, direction/directions
for quashing the order contained in memo no. 8959 dated
08/04/2019 passed in Appeal case no. A 3283/2018 by the
Hon’ble State Information Commission, Bihar whereby and
where under the Hon’ble Commission has exceeded its
jurisdiction and has directed to bring the entire matter in
the knowledge of Director General, Vigilance Department,
Government of Bihar and/or to pass such other
order/orders as your Lordships may deem fit and proper on
the facts and circumstances of the case.”*

2. The counsel appearing for the petitioner has refused
to argue the case. In the said background, the petitioner’s case
was examined as per the submissions made in his writ petition.



3. The petitioner states that he was appointed as a primary school teacher on 14.08.2010 and he joined on 16.08.2010. He passed the Elementary Teachers Evaluation Examination 2013 and his pay was fixed from time to time. His testimonials and documents were lost in 2014 while he was travelling in train and for the said purpose, he lodged an FIR at Naubatpur Police Station, Patna on 21.10.2014, whereafter he learned that the State Information Commission passed an order upon an application of respondent no. 5 to get the matter examined from the Director General, Vigilance vide order dated 26.03.2019.

4. The petitioner assails the order by which the State Information Commissioner has directed the matter to be enquired into by Director General, Vigilance Bihar Patna.

5. The petitioner submits that before passing such an order, the State Information Commissioner did not give any opportunity of hearing to the petitioners and the case before the concerned Vigilance Office is pending since then. In the opinion of this Court, any official on coming to know about any forgery committed, has a right to get the matter examined from the Vigilance Cell and for the said purpose, no previous opportunity of hearing is required to be given to any individual. A person



who has been appointed allegedly or fraudulent basis or by
forgery does not have any substantive right created in his favour.
Therefore, principles of natural justice shall have no play in
such matters.

6. In view of above, the writ petition fails and is
accordingly dismissed.

(Sanjeev Prakash Sharma, J)

Sachin/-
Item No. 23

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