

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.230 of 2022

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1. Pradeep Kumar Roy alias Pradeep Kumar Ray S/o Mahendra Roy alias Mahendra Ray Resident of Ward No. - 11, Village- Jankinagar, P.O. and P.S.- Jankinagar, District - Purnea.
 2. Mehdi Hasan S/o Md. Ataul Rahman, Resident of Village - At Bela Chand, P.O. - Mohaniya Chakla, P.S. - Banmankhi, District - Purnea.
 3. Niranjan Kumar, S/o Prakash Yadav, Resident of Village - Ward No. - 4, Khoont, P.O.- Chopra Ramnagar, P.S.- Jankinagar, District - Purnea.
 4. Kiran Kumari D/o Hira Prasad Yadav and W/o Manoj Kumar Resident of Village - Khajuri, P.O.- Khajuri, P.S. - Saur Bazaar, District - Saharsa.
 5. Kamal Kishor Patel S/o Krityanand Mandal, Resident of Village - Bhanga, P.O. - Bhanga, P.S. - Falka, District - Katihar.
 6. Nirbhay Kumar, S/o Satyanarayan Prasad Mandal, Resident of Village- Bhanga, P.O.- Bhanga, P.S. - Falka, District - Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Collector, Purnea.
3. The District Program Officer (Establishment), Purnea.
4. The District Education Officer, Purnea.
5. The Block Education Officer, Banmankhi, District - Purnea.
6. The Panchayat Secretary-cum-Member Secretary, Panchayat Teacher Appointment Committee, Gram Panchayat Raj Abhayaram Chakla, District - Purnea.
7. The Panchayat Secretary-cum-Member Secretary, Panchayat Teacher Appointment Committee, Gram Panchayat Raj Dharhara Chakla Bhunai, District- Purnea.
8. The Panchayat Secretary-cum-Member Secretary, Panchayat Teacher Appointment Committee, Gram Panchayat Raj Mahadevpur, District - Purnea.
9. The Panchayat Secretary-cum-Member Secretary, Panchayat Teacher Appointment Committee, Gram Panchayat Raj Harimudhi, District - Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Madhu Prasun, Adv.
For the Respondent/s : Mr. Subhash Chandra Mishra (SC-16)

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA



ORAL ORDER

2 07-03-2022 Heard both the sides.

Learned counsel for the petitioners submits that the petitioners have duly qualified and passed the BET.ET 2011 from Bihar School Examination Board, Patna and the certificates annexed as Annexure-1 of all the petitioners are genuine. However, the petitioners have been terminated from services on the ground that the certificates which were the basis of appointment after inquiry were found to be forged. Learned counsel submits that no opportunity of hearing was provided to the petitioners before passing the orders of termination of services. He further relies on an earlier judgment passed by a Co-ordinate Bench of this Court dated 13.08.2019 whereby the Court directed the reinstatement with direction to the respondents to take fresh decision after opportunity of hearing to the petitioners.

I have considered the submission.

The appointment of the petitioners initially was made subject to the verification of their documents. Upon verification, their certificates was found to be forged and in terms of their appointment order itself their services have been terminated. Keeping in view, it cannot be said that there is violation of principle of natural justice as fraud goes against principle of



equity and law. The said aspect does not seem to be considered by the Co-ordinate Bench, with respect, I therefore, differ from the order passed by the Co-ordinate Bench. As it is a case of appointment on the basis of forged documents, no indulgence can be granted to the petitioners. In fact, the respondents ought to initiate proceeding and lodge F.I.R. and book the concerned persons who obtain appointment by fraudulent means. At the same time, if the petitioners were so upright and claim that their certificates were genuine and not forged they can always file a civil suit and obtain a decree in this regard for which they are always free.

The writ petition is misconceived and accordingly, the same is dismissed.

(Sanjeev Prakash Sharma, J)

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