

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.252 of 2022

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Bipin Kumar S/o Maheshwari Mahto Resident of Village- Bela Darbiya, P.O.
- Champawati, P.S.- Sarsi, District - Purnea.

... .. 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, Banmankhi (Teachiss Employment Committee, Panchayat- Harimudhi), District - Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Madhu Prasun, Adv.
For the Respondent/s : Mr. Kameshwar Kumar (GP-17)

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 07-03-2022 Heard both the sides.

Learned counsel for the petitioner submits that the petitioner has duly qualified and passed the BET.ET 2011 from Bihar School Examination Board, Patna and the certificates annexed as Annexure-1 of the petitioner are genuine. However, the petitioner has 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 petitioner 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 petitioner.

I have considered the submission.

The appointment of the petitioner initially was made subject to the verification of his documents. Upon verification, his certificates was found to be forged and in terms of his appointment order itself his services have been terminated. Keeping in view, it cannot be said that this 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 petitioner. 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 petitioner was so upright and claim that his certificates were genuine and not forged she can always file a civil suit and obtain a decree in this regard for which she is always free.



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

(Sanjeev Prakash Sharma, J)

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