

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.286 of 2022

Arising Out of PS. Case No.-973 Year-2021 Thana- NAGAR District- Vaishali

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Bibha Kumari W/o Prabhat Kumar Singh, D/o Tripti Narayan Singh Resident of Village - Ward No.7, Sanchipatti, P.s.- Town, Distt.- Hajipur (Vaishali), At present Nagar Teacher, Middle School , Bagamati South, Hazipur.

... .. Petitioner/s

Versus

1. The State of Bihar the Principal Secretary, Deptt. of Home, Govt. of Bihar, Patna
2. The Director General of Police, Bihar, Patna
3. The Superintendent of Police, Vaishali, Hazipur
4. The Officer Incharge, Town Police Station, Vaishali, Hazipur
5. The Investigating officer (Town P.S. Case No. 973/2021), P.S.-Town, Distt.- Vaishali, Hazipur
6. The Superintendent of Police, Vigilance, Patna
7. The Deputy Superintendent of Police-cum-Assistant Investigating Officer (Niyojit Teacher), Vigilance Office, Patna
8. The Bihar School Examination Board, Patna through its Secretary, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kundan Kumar Sinha, Adv. with Mr. Aditya Narain Singh, Adv.
For the State	:	Mr. Manish Kumar, Gp4
For the Board	:	Mr. Gyan Shankar, Adv.
For the Vigilance	:	Mr. Arvind Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 16-03-2023

Learned counsel for the petitioner, learned counsel for the State, learned counsel for the Vigilance and learned counsel for the Bihar School Examination Board.

The present application has been filed for quashing the F.I.R., bearing Vaishali Hazipur Town P.S. Case No.973 of 2021 registered under Sections 420, 467, 468, 471 and 120(B) of I.P.C.

Counsel for petitioner submits that from the first page of the F.I.R., it transpires that her matriculation mark sheet

contains Roll Code 5116, Roll No. 242 year 1986, total marks obtained 624, passed with first division was sent to Bihar School Examination Board, Patna for verification but the documents attached with the F.I.R., the mark sheet of the petitioner indicates her Roll Code 5516, Roll No. 242 year 1986, total marks obtained 624.

In addition to that the certificate of the petitioner and next in the F.I.R. indicates Roll Code 5116, Roll No. 242, year 1986 passed in first division. Counsel submits that in the F.I.R. itself at 2 places, the Roll Code of the petitioner was shown as 5116, whereas in the mark sheet, it has been shown as 5516. The Vigilance and State's plea are that in the mark sheet, wrong Roll Code No. 5516 has been inserted and the said mark sheet was self-attested.

Meaning thereby, forged mark sheet has been filed for the purpose of taking the service. Counsel for petitioner submits that he has filed a writ petition C.W.J.C. No. 19348 of 2021 (*Bibha Kumari Vs. The State of Bihar and Ors.*) before this Hon'ble Court for specific relief(s), direction(s) that the certificates were treated as forge and fake by the Vigilance Bureau are not a forgery.

In this case, Bihar School Examination Board, Patna was also made party. After detailed discussion, the Hon'ble Single Judge has pleased to hold that the documents of

the petitioner are not the forged documents. The harassment caused to the petitioner cannot be compensated and, therefore, petitioner was allowed to continue and perform duty and draw salary.

During arguments, counter affidavit filed by the counsel for the State and counsel for the Vigilance have been placed before this Court also.

It transpires to me that the contents of the Vigilance is true that in the mark sheet, the Roll No. is 242 on which the Roll Code of the petitioner is 5516 with marks 624 and it is self-attested also. But it is also true that from the documents of the case, it is clear that in the contents of the F.I.R., the correct Roll Code 5116 has mentioned in the certificate. The Roll Code 5516 is inserted with the same marks 624. It transpires to me that the mark sheet containing Roll Code 5516 is a mark sheet on which the signature of the tabulator is not there.

Meaning thereby, it is not the original mark sheet and it is obtained later on being a duplicate mark sheet obtained by Bihar School Examination Board, Patna. But the marks on both the mark sheets containing Roll Code 5516 and 5116 are identical, i.e. 624.

Meaning thereby, the petitioner is not in a position to take any benefit of marks by virtue of the alleged forged mark sheet.

In my view, it is a mistake on the part of the authority from where this mark sheet bearing Roll Code 5516 has been obtained and only mistake done on the part of the petitioner that she has not compared her Roll Code 5516 with certificate in which Roll Code is 5116 and innocently made self-attestation which creates trouble for the petitioner for years and years.

So far as the legal position is concerned, it is admitted that the order of writ dated 11.01.2023 passed in C.W.J.C. No. 19348 of 2021 is in existence and acquires finality.

Therefore, this Court has no option but to hold that granting permission to continue the F.I.R. against the petitioner shall be an unjust step.

In this view of the matter, let the F.I.R., bearing Vaishali Hazipur Town P.S. Case No.973 of 2021 made against the petitioner is hereby quashed.

(Dr. Anshuman, J.)

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CAV DATE	
Uploading Date	
Transmission Date	