

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.384 of 2019

In

Civil Writ Jurisdiction Case No.949 of 2015

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Gajendra Kumar S/o Late Ramjee yadav R/O village - Virndavan, P.O.-
Dinapatte P.S. - Murliganj, P.S.- Murliganj, Distt.- Madhepura.

... .. Appellant/s

Versus

1. The State of Bihar State of Bihar.
2. The Principal Secretary Education Department Govt. of Bihar, Patna.
3. The Director Secondary/ Education Govt. of Bihar, Patna.
4. The Regional Deputy Director of Education Madhepura.
5. The District Education Officer Madhepura.
6. The District Programme Officer (Estt), Madhepura.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajeev Kumar Singh, Advocate
For the Respondent/s : Mr. Shashi Shekhar Tiwary, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 28-03-2023

Heard Mr. Rajeev Kumar Singh, the learned Advocate
for the appellant and Mr. Shashi Shekhar Tiwary, learned
Advocate for the State.

The appellant was dismissed from service of Teacher
for his appointment letter and the subsequent letter of transfer
to another school was found to be forged and fabricated.

When the termination order was challenged in CWJC
No. 2161 of 2001, it was observed by the Court that in case of
prima facie material of fraud and fabrication of documents, the
Courts cannot come to the help all such persons on whom



veers the accusing finger. Nonetheless, a direction was issued for constituting a high powered Committee, which would look into all aspects of the matter; would examine the documents and take the statement of such terminated employees, who are nine in number in the present instance and furnish a report.

It appears from the report of the specially empowered Committee that for five times, efforts were made to notice such terminated employees including the appellant but they never responded, notwithstanding even the paper publication. The concerned office of the Government department also did not co-operate fully and no documents were furnished. However, in the 5th of such meetings of the members of the Committee, two of the terminated employees appeared but they also did not co-operate fully. Thus, the empowered Committee was to base its report on whatever materials which had before it.

With respect to the appellant, the report indicates that there were many instances to suggest that the letter of appointment and the letter of transfer, which was challenged by the appellant before the writ Court, was forged and fabricated. This opinion was given after tallying the afore-noted two documents brought on record by the appellant in the writ Court with the records maintained in the office. There was difference in the font of the contents of such letter and even in the register which was maintained in the office, as against the memo number, the name of another person, a female, existed. It was, thus, found out that all the nine terminated employees



had used fabricated documents to seek appointment and salary.

The learned counsel for the appellant has submitted that on a careful reading of the report by the specially empowered Committee, it would appear that the documents were furnished by the appellant when the appellant never got an opportunity to appear before the specially empowered Committee as he was ill for all this while.

In support of the aforementioned contention, the appellant had brought on record before the writ Court certain prescriptions disclosing stomach trouble.

It is difficult to accept the proposition that on four or five occasions and even after newspaper publication, a terminated employee was not aware of the constitution of the specially empowered Committee and would not turn up.

We do not find from the records that the appellant had remained completely immobilized or bed-ridden or hospitalized for all this while when the enquiry was being conducted.

On being questioned, Mr. Singh, learned counsel for the appellant has also fairly informed that he and eight others were made accused in a criminal case in which the appellant is on bail. However, Mr. Singh, did not have any current information about the status of the investigation of the criminal case.

Considering these aspects of the matter, we are not inclined to accept the argument of Mr. Singh that an



opportunity ought to have been given to the appellant to prove his bonafides.

We, in the first instance, reject the plea of illness of the appellant to justify his absence before the specially empowered Committee. Secondly, the materials relied upon by the Committee in the absence of the appellant and others and complete non-cooperation of other stakeholders also is acceptable for the reasons given therein which has been made part of the writ Court record.

We do not find any merit in this appeal; but for the sole reason viz the pendency of the criminal case, we refrain from imposing cost for preferring this appeal.

The appeal is dismissed accordingly.

(Ashutosh Kumar, J)

(Harish Kumar, J)

krishna/shivank

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