

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9151 of 2022

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Mithilesh Singh Son of Late Sitaram Singh Resident of Basdiha Kala, P.O. and P.S. - Fesar, District- Aurangabad, Bihar - 824121.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resource Development Department, Govt. of Bihar, Patna.
2. The Director Primary Education Govt. of Bihar, Patna.
3. The District Magistrate, Aurangabad.
4. The Superintendent of Police, Aurangabad.
5. The District Program Officer (Establishment), Aurangabad.
6. The Block Education Officer, Aurangabad.
7. The Officer In-charge P.S. Mufassil, Aurangabad.
8. Chaudhary Ram Naresh Singh @ Ram Naresh Singh, S/o Ram Raj Singh, Resident of Basdiha Kala, P.O. and P.S. - Fesar, District - Aurangabad, Bihar - 824121.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Purushotam Sharma, Advocate
For the Respondent/s	:	Smt. Shilpa Singh (GA 12)
	:	Ms. Abhanjali, AC to GA 12

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-04-2023 The present petition has been filed seeking the following reliefs :-

“(i) For issuance of a writ in the nature of writ of mandamus commanding the respondent authorities to take appropriate legal action in Aurangabad Mufassil PS case no. 173 of 2017 under Sections 406/409/420 against the accused Chaudhary Ram Naresh Singh @ Ram Naresh Singh who fraudulently on the basis of false academic certificates



continued as Middle School Teacher in Middle School, Tetariya, Aurangabad but the respondent authorities are deliberately and consciously sitting tight over the matter in spite of sufficient material on record and even allowed continuation of perpetual illegality and even suppressed criminal charges upon respondent no. 8 in C.W.J.C. no. 3167 of 2018 disposed off on 11.07.2019 by this Hon'ble Court.

(ii) For holding that allowing a government servant to continue in service in spite of sufficient material evidence is a collusion and criminal conspiracy of the competent officials as the same amounts to embezzlement of Govt. money.

(iii) For holding that when Aurangabad Mufassil PS case no- 173/2017 has been lodged in the year 2017 itself by none other than BEO (respondent no- 6) Aurangabad then there can be no reason to sit silent over the matter and even continuously granted salary and other retiral benefits to the respondent no- 8.

iv) For holding that it is well settled legal position that if a Govt servant has fraudulently come into service on the basis of forged and fabricated documents then irrespective of any other consideration, has to be immediately acted upon in accordance



*with law but respondent authorities has
deliberately and consciously for vested
interest have failed to take any steps against
the respondent no- 8.”*

After some arguments, the learned counsel for the
petitioner seeks to withdraw the present writ petition with
liberty to avail such other alternative remedies, as are otherwise
available under the law. Liberty so sought, is granted.

The writ petition stands dismissed as not pressed.

(Mohit Kumar Shah, J)

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