

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15217 of 2019

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Upendra Manjhi S/o Mishri Manjhi Mohalla- Jagdishpur, P.o.- Kaituka Lachi,
P.s.- Makair, Distt.- Chapra Saran

... .. Petitioner/s

Versus

1. The Up-Director Madhyamik Shikha Human Resources Development Department Bihar Patna
2. The Director State Berho Health Intelligence Directorate of Health Service, Govt. of West Bengal, Kolkata
3. The Medical Superintendent - cum- Principal N.R.S. Medical College and Hospital, Kolkata
4. The District Magistrate (D.M.) Chapra, Saran
5. The Upper Mahanirdeshak Teacher Investigation Beuro-6 Circular Road, Patna
6. The Block Development Officer B.D.O. Makair, Saran
7. The District Program Officer (D.P.O.) Establishment Education, Saran, Chapra
8. The District Education Officer Saran, Establishment
9. Pramod Kumar Panchayat Teacher Habsrijit Primary School Jagdishpur Rajee Tola Anchal Maiker, P.s.- Maiker, Distt.- Saran
10. The Panchayat Secretary Anchal Maiker, Distt.- Chapra, Saran

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nalin Kumar

For the Respondent/s : Mrs.Binita Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL JUDGMENT

Date : 22-12-2023

1. The petitioner has filed the present writ application for a direction to remove the respondent no. 9 namely, Pramod Kumar Mahto from the post of “Panchayat Teacher” as according to the petitioner he submitted forged handicapped



certificate issued by a non recognized institution. Further prayer of the petitioner is to direct the respondents to hold fresh appointment on the post of “Panchayat Teacher”

2. The factual matrix of the case is that the petitioner applied for the post of “Panchayat Teacher” on 28.08.2006 in Panchayat Raj Para Amnour and appeared in the counselling. The petitioner is also a handicapped candidate belonging to schedule caste. He was not appointed and he filed complaints before various authorities including the B.D.O., D.P.O., District Magistrate, Chief Minister etc. to set up an enquiry and examine the forged certificate of the appointed candidate i.e. respondent no. 9. The petitioner thereafter filed Appeal No. A-3924 of 2018 before the 1st Appellate Authority (State Information Commission) which got disposed on 18.12.2018 with observation that both the parties were not present and the inquiry report was also not submitted. The petitioner also filed Appeal No. 173 / JS (R.K.) Applin. Sec / 2017-2018 before the Secretary of the Chief Minister which got disposed on 22.02.2018 with direction to Public Information Officer to provide necessary information sought by the petitioner.

3. Learned counsel for the petitioner submits that respondent no. 9 was appointed on the basis of forged handicap



certificate issued by Government of West Bengal, Regional Artificial Limb Centre -NRSMCH, which is not recognized by the Medical Council of India.

4. I have heard learned counsel for the parties. From perusal of Annexure – 7, which is the letter issued by the D.P.O., Establishment, Saran it appears that Medical Superintendent-cum-Vice Principal, NRS Medical College & Hospital, Kolkata has submitted a report with regard to genuineness of the handicap certificate wherein it is stated that it is not possible to verify the handicap certificate as it was issued more than nineteen years back and in spite of repeated sincere search by the staffs it cannot be traced out in the Medical Records Department. The letter dated 14.12.2018 of the Medical Superintendent cum Vice Principal, NRS Medical College & Hospital, Kolkata further states that as per memorandum no. SBHI/2D/2016 dated 31.08.2016 of the Director, State Bureau of Health Intelligence, Directorate of Health Services, Government of West Bengal, medical records are to be preserved for fifteen years only.

5. Taking into consideration the letter dated 14.12.2018 of the Medical Superintendent cum Vice Principal, NRS Medical College & Hospital, Kolkata, I find no merit in this writ



application. The same is accordingly dismissed.

(Anil Kumar Sinha, J)

praful/-AFR

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	08-01-2024
Transmission Date	NA

