

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11221 of 2022

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Farruk Jahan @ Farook Jahan D/o Fazal Ahmad Khan, W/o Kamal Waris Khan, Resident of Village/ Mohalla - Sarkari Chowk, Jagdishpur, P.O. - Jagdishpur P.S.- Jagdishpur, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, Vikas Bhawan New Secretariat, Patna.
3. The Director Primary Education, Human Resources Development Department, Govt. of Bihar, Vikas Bhawan, New Secretariat Patna.
4. The Collector-Cum-District Magistrate, Bhojpur.
5. The District Education Officer, Bhojpur.
6. The District Programme Officer (Establishment), Bhojpur.
7. The Block Education Officer, Jagdishpur, Distt. Bhojpur.
8. The Accountant General, Birchand Patel Road, Patna.
9. The Treasury Officer, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Umeshanand Pandit, Adv.
For the Respondent/s	:	Mr. Jitendra Kr. Roy 1 (Sc13) with Mr. U. R. Singh, (Ac to Sc13)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 16-01-2023 Heard learned counsel for the petitioner and counsel for the State.

The petitioner has filed the present writ petition for the issuance of writ(s), order(s), direction(s) for directing the respondents to pay the retiral benefits including arrears and other interest as well as to pay the arrear of salary from May 2019 to February 2021.

Counsel for the petitioner submits that petitioner was

appointed on the post of regular teacher in Utkramit Urdu Middle School, Kakila, Block- Jagdishpur, District- Bhojpur by the District Education Officer, Bhojpur vide letter no. 3556 of 07.11.2019.

Counsel submits that on the basis of the said appointment letter, the petitioner joined the school on 18.11.2019. Her salary was stopped from May 2020 to February 2021. It has been submitted by the counsel for the petitioner that the petitioner retired on 28.02.2021.

Counsel for the petitioner submits that the salary of petitioner was stopped without any rhymes and reason and as such, she demands her salary and retiral dues.

Counsel for the State submits that the petitioner has served only for a period of 1 year 3 months 10 days. Petitioner was appointed from the list of 34,540 Trained Teachers in the light of the order passed by the Hon'ble Supreme Court in Civil Review Case No. 16 of 2016. After joining, the certificate of the petitioner was found from an invalid institution. As such, a show cause was issued. In this regard, a second show cause was issued and the D.P.O., Establishment, Bhojpur vide letter no. 4075 dated 18.08.2022 has directed the B.E.O., Jagdishpur to recover the amount paid as salary from the petitioner and treated

the case of the petitioner to be a case of forged/ invalid certificated which is clear from Annexure-B. As such, the petitioner is not entitled for any relief(s) as she has served as teacher on the basis of a forged degree and fraudulently accepted the Government money in the name of salary.

In this view of the matter, this case is fit to be dismissed.

Counsel for the petitioner submits that against the decision of the State, the petitioner moved in C.W.J.C. No. 9017 of 2011 which was rejected.

Thereafter, the petitioner filed an L.P.A. No. 1574 of 2016 which was also dismissed.

Thereafter, the petitioner has preferred a Civil Review Case No. 242 of 2019 and submits that this case may be kept pending till final decision passed in Civil Review Case No. 242 of 2019. It transpires that the present writ petition has been filed in the year 2022 in which the suppression with regard to filing of C.W.J.C. and L.P.A. has been made. There is no whisper made in the petition that petitioner has ever moved in C.W.J.C. or in L.P.A. or in Civil Review and all relating to her service matters.

In this view of the matter, this Court treats this case to

be a suppression from the Court.

This case is dismissed with a cost of Rs.10,000/-
which shall be payable to the Patna High Court Legal Services
Authority.

(Dr. Anshuman, J.)

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