

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19348 of 2021

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Bibha Kumari Wife of Prabhat Kumar Singh Resident of Mohalla- Ward No. 7, Sanchipatti, Police Station- Town, District- Hazipur (Vaishali) at present Nagar Teacher, Middle School, Bagmali South, Hazipur.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Education, Govt. of Bihar, Patna.
2. The District Education Officer Vaishali at Hazipur.
3. The Block Education Officer Sadar Block (W) Hazipur, Vaishali.
4. The Superintendent of Police Vigilance, Patna.
5. The Assistant Investigating Officer Vigilance, Patna.
6. The Secretary Bihar School Examination Board, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kundan Kumar Sinha, Adv.
For the BSEB	:	Ms. Namrata Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

- 4 11-01-2023 1. The petitioner assails the order ANNEXURE-I, whereby his certificates were treated as forged and fake by the Vigilance Bureau. The petitioner asserts that the certificates and issue in his favour were engaged and no forgery has been committed. He therefore, preferred this writ petition impleading the Board as a party as well as the Vigilance and the State Government. The counter-affidavit has been filed on behalf of Respondent No. 6 that is Bihar School Examination Board who has affirmed the contentions made by the petitioner and has stated in Para 7 of their counter-affidavit as under :-



“7. That it is relevant to point out that it is after due verification the details & the particulars pertaining to the petitioner’s 1986 Annual Matriculation Examination as given in the Marks Sheet & Certificate, appended to the present writ petition, under Roll Code – 05116, Roll No. - 0242, have been found matching to that of the details as given / detailed in the respective relevant record at the Board i.e. the Tabulation Register; the details found in course of verification under Roll Code – 05116, Roll No.- 0242 with respect to the present petitioner is as follows :-

<i>Sl. No.</i>	<i>Particulars</i>	<i>Details as given in the Annex.-2 series.</i>	<i>Details as found in the respective Tabulation Register</i>
01.	Roll Code	05116	05116
02.	Roll No.	0242	0242
03.	Name of Candidate	BIBHA KUMARI	BIBHA KUMARI
04.	Father’s Name	TRIPTI NARAYAN SINGH	TRIPTI NARAYAN SINGH
05.	Date of Birth	10 th November 1972	10 th November 1972
06.	School’s Name	VIDYA BIHAR H.S. MUZAFFARPUR	VIDYA BIHAR H.S. MUZAFFARPUR
07.	Total Marks (Aggregate)	624	624
08.	Division	1 st	1 st

2. The Vigilance Department has also been informed by the Board vide their letter dated 20th January 2022. The District Programme Officer has also filed its counter-affidavit mentioning that the salary has been paid to the petitioner.



3. No one appears for the Vigilance Department.

4. While the State Counsel appearing for the Respondent's Department does not object to the contentions as noticed above.

5. This Court finds that the Vigilance Department has recorded in its letter dated 23.09.2021 about the certificate being fake. The counter-affidavit filed on their behalf refers to an order passed by this Court in the P.I.L. However, this Court finds that the High Court has not directed that all the certificates filed by concerned teachers should be treated as forged or fake. There has to be an independent application of mind and verification has to be done from the concerned Board before lodging of a complaint against any teacher. This Court notices that on account of a wrong interpretation of this Court's order, several cases are coming up before this Court where taking umbrage of the order passed by the High Court, Vigilance Department or the concerned District Education Officer are issuing orders alleging the certificate to be forged and leaving it upon the concerned teacher to prove that his certificate is genuine. The intention of the Court's orders are not for the purpose of harassing already appointed teachers or to create administrative chaos but to see that no person with forged



certificates is employed. A procedure of prior satisfaction, therefore is required to be followed. The harassment caused to the petitioner cannot be compensated. Be that as it may, considering the fair stand taken by the Board, this writ petition is allowed. ANNEXURE-I is quashed. The petitioner shall be allowed to continue and perform duties and draw salary.

No cost.

(Sanjeev Prakash Sharma, J)

Sachin/-
Item No. 29

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