

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2134 of 2018

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Shri Laldeo Singh son of Late Natho Singh, resident of Village- Deokuli, P.O. Serthua, P.S.- Makhdumpur, Tehta, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Jehanabad.
3. The District Agriculture Officer, Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar
For the Respondent/s : Mr. Raghwanand GA-11
Mr. Prabhat Kumar AC to GA 11

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 03-10-2023 Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ petition has been filed for quashing the order impugned issued vide Letter No. 1545 dated 08.11.2017 (Annexure-8) by which petitioner was terminated from his selection made vide employment Letter No. 807 dated 22.12.2010.

3. Counsel for the petitioner submits that an advertisement has come in daily Hindi newspaper namely "AAJ" on 10.04.2010 vide Krishi Suchana 02/10-11 for the post of Krishi Salahakar, the said appointment was purely contractual in nature.

4. Counsel for the petitioner further submits that



petitioner possesses the qualification required for the post and on the basis of his qualification, he was appointed as Krishi Salahakar vide appointment Letter No. 807 dated 22.12.2010 (Annexure-2) in the District of Jehanabad.

5. Counsel further submits that the basic qualification of petitioner is Madhyama Exam of Sanskrit Siksha Board of Bihar at Patna. He submits that on the basis of a false complaint which has been entertained by the respondent authorities, inquiry was made in which it was found that the petitioner had appeared in the matriculation examination twice. Counsel submits that without considering his show-cause which he has filed in pursuance to letter issued by the respondent vide Letter No. 1545 dated 08.11.2017, the selection of the petitioner was cancelled with immediate effect.

6. Counsel for the State submits that on the basis of the complaint made about inducement of fake date of birth, inquiry was set up by the authorities and in course of inquiry, it was found that the petitioner had been appointed showing his date of birth as 02.07.1972 whereas his actual date of birth is 02.07.1953

7. The verification has been made from the certificates obtained from the school. It has also come that the



petitioner has passed examination of Madhyama in the year 1971 from Tehta High School showing his name as Baldew Goh with date of birth 02.07.1953 and subsequently, he again appeared in the examination of Madhyama in the year 1990 in the name of Laldeo Singh showing his date of birth as 02.07.1972. He has obtained appointment on the post of Kishan Salahakar showing his date of birth as 02.07.1972 whereas his actual date of birth is 02.07.1953.

8. Counsel for state submits that the Letter No 1545 dated 08.11.2017 is a well reasoned order and as per the appointment letter, the period of service was upto completion of 65 years.

9. After going through the pleadings and submissions made by the parties as well as the document annexed with the writ petition, it transpires to this Court that petitioner's correct age is 02.07.1953, but he has appeared falsely in the examination showing his date of birth as 02.07.1972.

10. In this way, he has made false representation and basically committed fraud to take extra benefit of his appointment which has to be ceased, according to the original age. But here in the present case, he has obtained the appointment letter by committing fraud on the respondent.



Moreover, the appointment was completely contractual in nature, but this Court is of the opinion that the authorities have taken action following the principles of natural justice in which opportunity of defence was also provided to the petitioner.

11. In view of the aforesaid, this Court is not inclined to interfere into the order impugned.

12. Accordingly, the writ petition stands dismissed.

(Dr. Anshuman, J)

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