

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.543 of 2023

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Amit Shaurav @ Amit Saurav S/o Jaiprakash Narayan Ward No.- 08, R/o
Village- Nadwan, Post and P.S.- Baniyapur, District- Saran, Bihar.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, State of Bihar at Patna.
2. The State of Bihar through Director, Directorate of Land Records and Survey, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Assistant Director, Director, Directorate of Land Records and Survey, Department of Revenue and Land Reforms, Government of Bihar, Patna.
4. The Director General of Police, Bihar, Patna.
5. The Settlement Officer, District- Araria.
6. The Settlement Officer, District- Munger.
7. The Settlement Officer, District- Banka.
8. The Settlement Officer, District- Katihar.
9. The Settlement Officer, District- Jamui.
10. The Settlement Officer, District- West Champaran (Bettiah).
11. The Settlement Officer, District- Kishanganj.
12. The Settlement Officer, District- Arwal.
13. The Settlement Officer, District- Sitamarhi.
14. The Settlement Officer, District- Khagaria.
15. The Settlement Officer, District- Madhubani.
16. The Settlement Officer, District- East Champaran.
17. The Settlement Officer, District- Begusarai.
18. The Settlement Officer, District- Jehanabad.
19. The Settlement Officer, District- Sheikhpura.
20. The Settlement Officer, District- Purnea.
21. The Settlement Officer, District- Supaul.
22. The Settlement Officer, District- Sheohar.
23. The Settlement Officer, District- Lakhisarai.
24. The Settlement Officer, District- Nalanda.
25. The Settlement Officer, District- Madhepura.
26. The Settlement Officer, District- Saharsa.
27. The Settlement Officer, District- Siwan.
28. The Superintendent of Police, District- Araria.
29. The Superintendent of Police, District- Munger.
30. The Superintendent of Police, District- Banka.



31. The Superintendent of Police, District- Katihar.
32. The Superintendent of Police, District- Jamui.
33. The Superintendent of Police, District- West Champaran (Bettiah).
34. The Superintendent of Police, District- Kishanganj.
35. The Superintendent of Police, District- Arwal.
36. The Superintendent of Police, District- Sitamarhi.
37. The Superintendent of Police, District- Khagaria.
38. The Superintendent of Police, District- Madhubani.
39. The Superintendent of Police, District- East Champaran.
40. The Superintendent of Police, District- Begusarai.
41. The Superintendent of Police, District- Jehanabad.
42. The Superintendent of Police, District- Sheikhpura.
43. The Superintendent of Police, District- Purnea.
44. The Superintendent of Police, District- Supaul.
45. The Superintendent of Police, District- Sheohar.
46. The Superintendent of Police, District- Lakhisarai.
47. The Superintendent of Police, District- Nalanda.
48. The Superintendent of Police, District- Madhepura.
49. The Superintendent of Police, District- Saharsa.
50. The Superintendent of Police, District- Siwan.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Rupesh Kumar, Advocate
For the Respondent/s : Mr. Dr. Mankeshwar Tiwari, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-03-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner in the present case is seeking the following
reliefs:-

“I. For issuance of writ/writs, order/orders,
direction/directions in the nature of
CERTIORARI to quash the letter No. - 3028
dated 25.10.2022 (Annexure-3) whereby and
whereunder the Director, Directorate of Land
Records & Survey, Department of Revenue &



Land Reforms, Government of Bihar, Patna (Respondent No. - 2) has directed the Settlement Officers (Respondents No. - 5 to 27) to register First Information Report and recover money from contractual employees against whom, after verification, letter have been received from their University/organization, to the Department concerned, whose educational certificates have been said to be fake/forged or not issued by said University/Organization.

II. For issuance of writ/writs, order/orders, direction/directions in the nature of MANDAMUS commanding these respondents do proper verification or re-verification of the educational qualifications of those candidates/employees who have been appointed as Special Survey Amin, etc. as appointed under Special Survey and Settlement Program in the year 2020 and 2021 and stated herein the documents to be fake/forged.

III. For issuance of writ/writs, order/orders, direction/directions in the nature of MANDAMUS commanding these respondents to direct Proper and correct verification from the Universities/Organizations, not to do verification in casual and mechanical manner, as done yet by the department (as a table work), since matter is related to a large group of contractual employees whose verification has been done in mechanical manner and several lists have been issued by the Respondent No. - 2 for termination, recovery of money and lodging of F.I.R.

IV. For any other relief/s, direction/s, order/s in favour of Petitioner, as this Hon'ble may deemed fit and proper in the facts and circumstances of this case, at the time of hearing of this case."

In course of submissions, learned counsel for the petitioner has informed this Court that earlier this petitioner has



moved this Court in CWJC No. 21144 of 2021 wherein vide order dated 13.01.2022, the respondents have been directed to file counter affidavit and in the meanwhile they have been directed not to precipitate in the matter insofar as the recovery is concerned. It is stated that pursuant to the said order, presently no recovery is being made. The said writ application is still pending consideration.

Learned counsel has further drawn the attention of this Court towards another order dated 02.03.2022 passed by a learned co-ordinate Bench of this Court in CWJC No. 1643 of 2022 wherein the learned co-ordinate Bench has after taking note of the fact that the petitioners' services have been terminated and further recovery has been ordered as also initiation of criminal proceeding by filing FIR, directed the concerned respondents to initiate disciplinary proceeding/domestic enquiry even as the petitioners were appointed to the post of Special Survey Amin on contract basis.

Learned counsel submits that at this stage, the petitioner is praying for an identical order in terms of CWJC No. 1643 of 2022.

Learned counsel for the State has no objection to the passing of the said order which has been granted in respect of some of the persons similarly situated to the petitioner in CWJC



No. 1643 of 2022.

In the given facts and circumstances of the case, this writ application is being disposed of in terms of order dated 02.03.2022 passed in CWJC No. 1643 of 2022. The operative part of the order is being reproduced hereunder:-

“The petitioners’ services have been terminated and further ordered for recovery so also initiated criminal proceedings in filing F.I.R. on the score that petitioners have misled the department in producing certificate which is alleged to be fake Diploma in Civil Engineering Certificate. The respondents have not initiated disciplinary proceedings while holding that certificate produced by petitioners (Diploma in Civil Engineering) is forged/fake. Therefore, the concerned respondents are hereby directed to initiate disciplinary proceedings/domestic enquiry, even though, petitioners were appointed to the post of Special Survey Amin on Contract basis for the reasons that the alleged allegations relating to production of fake Diploma in Civil Engineering Certificate attaches stigma on the petitioners and it may be hurdle for future employment. The enquiry shall be initiated and completed within a period of three months from the date of receipt of this order. However, the petitioners shall not be taken back to duty till enquiry is concluded in their favour. With the above observation, writ petition stands disposed of.”

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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