

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2074 of 2020

Arising Out of PS. Case No.-67 Year-2017 Thana- VIGILANCE District- Patna

MD. AFTAB ANSARI Son of Shabbir Ansari The then Teacher Sikraur
Panchayat, Block Shivsagar, District- Rohtas, Resident of Village - Nawdiha,
P.S.- Shivsagar, District- Rohtas

... .. Petitioner/s

Versus

The State Of Bihar Through Vigilance Investigation Bureau, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ram Pravesh Nath Tiwarri, Advocate

For the Opposite Party/s : Mr.Arvind Kumar, Advocate (Vigilance)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 14-03-2023 Heard learned counsel for the petitioner and Mr.
Arvind Kumar, learned counsel representing the Vigilance
Department.

The present petition has been preferred for quashing
of the cognizance order dated 21.9.2019 passed by the learned
Special Judge Vigilance-I, Patna, in Special Case No. 67 of
2017 under sections 420, 467, 468, 471, 201, 120B of the Indian
Penal Code and section 13(2) read with 13(1)(d) of the
Prevention of Corruption Act, 1988.

As per the prosecution story, the Vigilance
Department pursuant to the order dated 4.7.2016 in C.W.J.C.
No. 10802 of 2011 conducted an enquiry wherein amongst the
other it was found that the petitioner herein has also entered into



employment on the basis of forged experience certificate.

Regarding the petitioner, the experience certificate was submitted by him which was operational only between 31.3.2001 and 1.4.2001 whereafter the said programme was stopped and in that background, it was found that the experience certificate provided by the petitioner was fake.

It is important to note that as per the experience certificate, he had taken training on 5.8.2004 which was beyond the time programme took place. Accordingly, the case was instituted against him.

On 16.2.2023, the case was taken up and the following order was passed:

"Heard.

Learned counsel for the petitioner will be filing supplementary affidavit bring on record the further facts in support of his case that he entered into an employment on the basis of valid/genuine papers.

Learned counsel for the Vigilance, in the meanwhile, will file a counter affidavit bringing on record the facts



of the case.

*As jointly prayed for, list this case
on 2.3.2023."*

Although, Vigilance Department filed counter affidavit, neither supplementary affidavit was filed nor learned counsel for the petitioner appeared before the Court on call.

Learned counsel for the Vigilance on the basis of counter affidavit submitted that the petitioner was having 67.54 marks but on the basis of fake experience certificate, he got additional 20 marks and jumped to 87.54 marks and accordingly entered into employment.

Once inside, the second conspiracy took place in which the 20 marks incorporated in the select list was erased as also 87.54 was made 67.54 which according to him could be seen from naked eye and is part of the counter affidavit as Annexure-'K'.

To confirm the matter, the mark-sheet was sent by the Vigilance to the Police laboratory, CID, Bihar, Patna and its opinion came on 1.2.2019 which read as follows:

OPINION

H.W. 06/2019

*"Case reference vigilance P.S. Case No.
67/2017 dated 31.8.2017. Received from*



*Police Inspector cum Investigating Officer,
Vigilance Investigation Buireau, Patna.*

*Examination under uv-rays, oblique light,
transmitted light and magnification reveals
the following facts:-*

*1. Remnants of previous writings strokes are
visible in the space enclosed with red lines,
stamped and marked – 'X' and previous
writings have been erased mechanically by
sharp instrument and changed to present
digit writing '6' at tens place in 'Medha-Ank'
column.*

*However, previous writings could ot be
deciphered.*

*2. Remnants of the previous writings strokes
are visible in the space enclosed with red
lines, stamped and marked – 'X1' and
previous digit writings '20' of 'Anubhav'
column and '8' at tens place of 'Medha-Ank'
column have been erased mechanically by
sharp instrument and changed to present
digit writings '6' at tens place in the 'Medha-*



Ank' column."

(Raju Chaudhary) (Dr. S. Nand Singh).

*State Examiner State Examiner of
Questioned Document Documents, Police
Laboratory, CID, Bihar, Patna.
Police Lab. C.I.D. Bihar Patna,*

From the aforesaid facts, it is clear that not only the petitioner conspired, submitted fake certificate to enter employment on the basis of additional 20 marks, once he secured the job and after the Vigilance started enquiry pursuant to the order of Patna High Court, he brought his marks back to 67.54 in connivance with other officials whose respective roles cannot be ruled out and is matter of further enquiry. Thus his marks came down to 67.54 which stands confirmed by the report, as stated above.

In the aforesaid circumstance, nothing remains and it would be appropriate that the petitioner face trial.

The petition is misconceived and is accordingly dismissed.

(Rajiv Roy, J)

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