

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.266 of 2024

Arising Out of PS. Case No.-367 Year-2022 Thana- PAHARPUR District- East Champaran

Mira Devi W/o Ajay Yadav R/o vill - Nirpur, Panchayat - Kamal Pipra, P.S. -
Paharpur, Distt. - East Champaran

.. ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Vigilance Dep., Gov. of Bihar at Patna Bihar
2. The Director General, Vigilance Investigation Bureau, Patna Bihar
3. The Superintendent of Police, Vigilance Investigation Bureau, Muzaffarpur Range at Muzaffarpur Bihar
4. The Investigation officer of Paharpur P.S. Case No. 367/2022, Paharpur Police Station, East Champar Bihar
5. Kanhaiyalal Son of Late Rambabu Ram Posted as Dy. S.P. Vigilance Investigation Bureau, R/o vill - Ladaura, P.S. - Kudhani, Distt. - Muzaffarpur
6. The District Program Officer (Establishment) East Champaran at Motihari Bihar
7. The Block Development Officer Paharpur, East Champaran Motihari Bihar
8. The Panchayat Secretary, Gram Panchayat Raj Kamal Pipra, Block - Paharpur, Distt. - East Chamapran, Bihar

... ... Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan, Advocate
For the Vigilance	:	Mr. Arvind Kumar, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 15-03-2024 Heard learned counsel for the petitioner and learned
Special Public Prosecutor for the Vigilance Department.

2. The petitioner has invoked the extra ordinary jurisdiction of this Court under Article 226 of the Constitution of India praying for issuance of a writ in the nature of certiorari for quashing of the F.I.R. bearing Paharpur P.S. Case No.367 of 2022 dated 13.10.2022 under Sections, 467, 468, 471, 420, 120(B) of the Indian Penal Code and criminal proceeding



initiated on the basis of the said police case as well as other consequential reliefs.

3. It is not in dispute that sometimes in the year 2003 contractual teachers were appointed in the State of Bihar having eleven months contract with a consolidated remuneration of Rs.1500/- per month. During 2005, the said Scheme was modified. Previously, the said contractual teachers were appointed by Pradhan and Gram Sewak on their recommendations. From 2005 the Block Development Officer and the Executive Officer of the Panchayat were included in the recommending committee.

4. It is also not in dispute that monthly remuneration was increased from Rs.1500/- to Rs.4000/- and the length of service was increased upto 60 years. Subsequently, upon a writ petition filed before the Court presided over by the Hon'ble the Chief Justice, huge anomalies were found and therefore, the Hon'ble the Chief Justice was pleased to direct that the testimonials, academic qualifications, mark sheets etc. of the teachers appointed during the period between 2006 and 2015 shall be examined by the Vigilance Investigation Bureau, Bihar.

5. It is contended on behalf of the petitioner that the petitioner was appointed in the year 2004 as a women candidate. His name was appearing in Serial No.49 of the merit list. It is



also pointed out by the learned advocate for the petitioner that there was a definite rules and regulations under the name and style of “Shiksha Mitra Niyukti Niyamawali” wherein it is clearly stipulated that under Panchayat Region, if eligible women candidate is not available, than, matriculation passed candidate is required for appointment by taking permission of the District Magistrate on the condition that they have to qualify their Intermediate or equivalent qualification withing a period of three years of their appointment. The District Magistrate has to propose the State Government on giving such permission and the State Government has to take flexibility/relaxation in accordance with Rule 5 of National Teacher Education Council, 2001.

6. Under the said scheme, the petitioner was appointed in the year 2004. There was no order with regard to verification or examination of the academic testimonial of the petitioner passed by this Court. However, the petitioner’s testimonials and academic qualification was verified and it was brought to the notice of the Vigilance Investigation Bureau that the petitioner allegedly obtained the said job by showing a false and forged mark sheet to the effect that out of 700 she secured 462 marks.

7. The learned advocate on behalf of the petitioner



refers to the merit list which clearly shows that in the merit list, it is recorded that the petitioner received 288 marks during matriculation examination. The petitioner obtained her records from the Block Office through RTI and it was also found that the petitioner submitted the correct mark sheet at the time of her appointment. Subsequently, in order to deprive the petitioner from her job, a false certificate in her name was used saying that the petitioner submitted a mark sheet of 462 marks out of 700 marks in the matriculation certificate.

8. Accordingly, it is submitted by the learned advocate for the petitioner that the entire criminal proceeding is based on certain forged and frivolous document. The petitioner never committed any act of cheating or forgery. However, she is the victim of the circumstances.

9. The respondent no.2 has filed a counter affidavit against the above mentioned writ petition. He takes me to Annexure-A of the writ petition where the petitioner herself made a declaration that he got 462 marks out of 700 marks in the examination conducted by Bihar Sanskrit Shiksha Board. He also refers to another document at Page-23 of the counter affidavit which is certified by the petitioner herself where her marks is stated to be 462 but she actually got 288 marks in the said examination.



10. This Court at this stage is not in a position to ascertain as to whether the complainant submitted forged document at the time of her appointment as a teacher or the document was forged by some other person and the petitioner really submitted the true document at the time of getting an appointment as contractual teacher. In order to get the answer to this question, the documents filed by the petitioner as well as the respondent no.2 in the counter affidavit are to be looked into and verified and examined.

11. In view of such circumstances, this Court is of the considered opinion that this is not the right time to quash the FIR against the petitioner. Therefore, the instant writ petition is dismissed on contest.

12. However, the petitioner is at liberty to agitate the same point at an appropriate stage after consideration of the documents by the Vigilance Investigation Bureau.

(Bibek Chaudhuri, J)

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