

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1971 of 2020

Poonam Kumari, D/o Late Rajendra Prasad Yadav, W/o Shambhu Kumar Suman, R/o Village - Kumhet, P.O. - Laudh, P.S. and District- Supaul- 852131.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Govt. of Bihar, Patna.
2. The Additional Director General of Police, Vigilance Investigation Bureau, Govt. of Bihar, Patna.
3. The S.P., Vigilance Investigation Bureau, Govt. of Bihar, Patna.
4. The Inspector of Police-cum-the Investigating Officer (Supaul Shikshak Niyojan), Vigilance Investigation Bureau, Patna namely Mr. Shyambabu Prasad.
5. The Additional Chief Secretary, Deptt. Education, Govt. of Bihar, Patna.
6. The Director, Primary Education Department, Govt. Of Bihar, Patna.
7. The District Education Officer, Supaul, District- Supaul.
8. The Block Education Officer, Supaul, District- Supaul.
9. The Bihar Sanskrit Shiksha Board, Patna, through its Secretary.
10. The Chairman, Bihar Sanskrit Shiksha Board, Patna.
11. The Examination Controller, Bihar Sanskrit Shiksha Board, Patna.
12. The Panchayat Teacher Employment Unit, Gram Panchayat Kumhet, P.O.- Laudh, P.S. and District- Supaul through its Member Secretary- cum- Panchayat Secretary, Gram Panchayat Kumhet, P.O.- Laudh, P.S. and District- Supaul.
13. The Mukhiya, Gram Panchayat Kumhet, P.O.- Laudh, P.S., Block and District- Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Purushottam Kumar Jha, Adv.
For the State		Mr. Subash Chandra Mishra, SC-16
For the Board		Mr. Chandra Shekhar Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
CAV ORDER

8 07-10-2024 Heard learned counsel for the parties.

2. This writ petition has been filed for the following

reliefs:-

“1. Issuance of an order, direction or a writ in



the nature of mandamus commanding the Respondent Nos. 9 to 11 to produce before this Hon'ble Court, the original copy of the Tabulation Register of petitioner's Madhyama Examination' 1990, which is required for holding that the marks sheet of petitioner's said Madhyama Examination' 1990 (Annexure-2 at page no. 21 to this writ petition) is containing the same marks as is figuring in the original Tabulation Register of petitioner's Madhyama Examination' 1990.

II. This Hon'ble Court may further be pleased to hold and declare that the marks sheet and Certificate issued by the Respondent No. 9 in favour of the petitioner vide Annexure-2 and 3 to this writ petition are bonafide, legal and valid.

III. A writ in the nature of Certiorai may kindly be issued by this Hon'ble Court for quashing that part of Letter No. 434 dated 14.05.2018 (part of Ann - 15 relevant part at page nos.40-42 to this writ petition), whereby the Respondent No. 11 has intimated the Respondent No. 4 that the Marks Sheet/ Certificate of this petitioner has not been issued by the Board.

IV. A writ in the nature of mandamus may kindly be issued by this Hon'ble Court commanding the Respondents concerned to take corrective measures, for restoring the



position of the petitioner's position in all respect, as she was having before the issuance of said Letter No. 434 dated 14.05.2018 (part of Annexure 15 relevant portion whereof are at page nos. 40-42 to this writ petition).

V. Issuance of an Order, Direction or a Writ in the nature of Certiorari Quashing the Office Order issued by the Respondent No. 12, as contained in Memo No. 1-2 dated 09.01.2019 (Annexure-19 at page no. 55 to this writ petition) whereby and where under, even without asking for any show cause from the petitioner, she has been dismissed from the post of Panchayat Teacher, Upgraded Middle School, Kumhet, Panchayat - Laudh, P.S. + Block + District – Supaul.

VI. Issuance of an order, direction or a writ in the nature of Mandamus commanding the Respondents concerned specially the Respondent No. 12 to reinstate the petitioner in her services, that too, with all consequential benefits.

VI. For grant of any other relief or relief(s) to which the petitioner may be found entitled to in the facts and circumstances of this case.”

3. Learned counsel for the petitioner submits that the petitioner passed her Madhyama Examination in 1990 from Bihar Sanskrit Shiksha Board as a private student (Annexure-1,2 & 3 of this writ application) and her Intermediate of Arts



Examination in 1992 (Annexure-4 of this writ application). The petitioner was appointed as Panchayat Shiksha Mitra in Primary School (Kumhat) by the then Panchayat Secretary and Mukhiya of Panchayat Raj, Laudh, Dist-Supaul vide Memo No. 11 (Annexure 5 and 6 of this writ application) and the petitioner joined before Headmaster, Primary school, Kumhet on 17.05.2005 with a contractual agreement of work tenure of 11 months (Annexure 7 of this writ application).

4. After successfully completing the required training between 1.10.2005 to 02.11.2005, a reliving letter was issued by Block Education Extension Officer, Supaul & the Manager (Annexure-8 of this writ application). Later her tenure was further extended by the Respondent no. 12 for next 11 months effective from 22.04.2006 to 22.04.2007 (Annexure-9 of the writ application). Further the District Superintendent of Education, Supaul via Letter no. 1377 dated 11.09.2006 informed the change in designation of all Sikha Mitra working till 30.06.2006 to Panchayat Teachers extending all their due benefits (Annexure 10 of the writ application). Meanwhile, the petitioner passed her Primary Teachers Evaluation Examination 2010 where she secured 75 out of 100 in the result dated 05.04.2011 (Annexure 11 of the writ application). Further she



also completed her Diploma in Primary Education in 2012 (Annexure 12 of the writ application), result whereof published on 26.08.2016.

5. The learned counsel for the petitioner further submits that Respondent no.7 vide letter no. 1287 dated 12.10.2018 directed the Respondent no.8 to withhold the salary of the petitioner along with four other Panchayat Teachers. The said order was in connection with the letter no.8870 dated 28.09.2018 issued by respondent no.4 and further an FIR bearing Case No.633/18 dated 03.11.2018 has been lodged against the petitioner and four other Panchayat Teachers under Sections 420/467/468/471/120(b)/196/197/198/199/201 IPC based on the complaint by Respondent no.4 dated 02.11.2018 (annexure-15 of the writ application).

6. The petitioner filed a detailed representation before Respondent no.7 and 8 on 06.11.2018 requesting for stay of letter no.1287 and conducting enquiry from respondent no.9 regarding her bonafide mark-sheet & certificate of Madhyama Examination 1990 (Annexure 16 of the writ application) but no decision has been taken by respondent nos.7 and 8 on the filed representation. Further, a detailed representation has been filed before Respondent nos.9 and 10 by the petitioner requesting to



take appropriate actions but no steps have been taken for grievance redressal of the petitioner (Annexure 17 of the writ application).

7. The counsel further stated that the husband of the petitioner checked the tabulation register and found no difference between the marks in the tabulation register and the mark-sheet of the petitioner. Further, the petitioner filed a detailed representation before the respondent no.3 on 08.11.2018 requesting to direct respondent no. 4 for re-investigation of the said issue (Annexure 18 of the writ application) but no step has been taken by respondent no.3. Later, the petitioner has been dismissed from the post of Panchayat Teacher, Upgraded Middle School, Kumhait, Supaul by respondent no.12 vide memo no-1-2 dated 09.01.2019 (annexure 19 of the writ application).

8. Learned counsel submits the reference of CWJC No. 14952 of 2017 where this Court has passed order granting relief to Panchayat Teachers and urged for similar relief to the petitioner (Annexure 20 series of the writ application).

9. Per contra, learned counsel on behalf of the Respondent no.7 submits that with reference to the order passed by this Court in CWJC No.15459 of 2019, the teachers



appointed between 2006 to 2015 were enquired by vigilance and the certificates of the petitioner along with four other teachers were found malafide, thereafter an FIR bearing Supaul P.S Case no. 633 of 2018 dated 03.11.2018 has been lodged. After the report bearing letter no.8870 dated 28.09.2018 submitted by respondent no.4, the salary of the petitioner along with four other teachers has been withheld as their certificates were found forged. Thereafter, they were terminated vide letter no.1601 dated 20.12.2018 in accordance with departmental rule for recovery of salary in Public Demand Recovery Act (Annexure A of the counter affidavit).

10. It is further stated that after the meeting of Panchayat Teacher Employment Unit, Laudh held on 09.01.2019 it was decided to terminate the petitioner and another Smt. Nirmala Kumari on grounds of forged documents.

11. The learned counsel for the respondents challenges the maintainability of this writ application at this stage as the petitioner directly appealed before this Court before appealing to the District Teachers Employment Appellate Authority.

12. Learned counsel on behalf of the respondent no.2 to 4 submits that the above enquiry was done by respondent



no.4 in compliance to order and direction of this Court in CWJC No.15495 of 2014. During the course, the respondent no.11 vide letter no.434 dated 14.05.2018 informed respondent no.4 regarding the forgery of the document of the petitioner and the said certificate has not been issued by the Bihar Sanskrit Siksha Board (Annexure R/1 and R/2). Thereafter, the attested photocopy of the tabulation register of Madhyama Examination, 1990 has been sent by respondent no.11 in compliance of letter no.1198 dated 19.02.2020 issued by Respondent no.3(Annexure R/3) where the marks of the petitioner is found to be 385 and not 416 as mentioned in the Madhyama marksheet of the petitioner alongwith some other glaring mistakes.

13. It is further submitted that the application form submitted by the petitioner for applying for the Siksha Mitra also contained forged marksheet containing 1st Division in the High School Marksheet and thus an FIR case no.633 of 2018 has been lodged against the petitioner, based on the complaint filed by the Vigilance Investigation Bureau.

14. In response to the representation filed by the petitioner dated 08.11.2018, the counsel submits that the power of re-investigation lies with the investigating officer under Section 173(8) of Cr.P.C and thus Supaul police has the power



to re-investigate the said issue, not with the complainant of the case.

15. Learned counsel for the Respondent no.9 to 11 submits that on the basis of records of Madhyama Examination 1990, the marksheet and the certificate possessed by the petitioner has not been issued by the Board.

16. The counsel further submits that in compliance with the order passed by this Court in CWJC No.15495 of 2014, Respondent no.4 sent a list of 42 teachers to the Board for the verification of their Madhyama Examination certificates vide letter no.11 dated 09.03.2017 (Annexure-1 of the counter affidavit) to which verification has been done on the basis of available records (GTR+RTR) and it is found that the certificate of petitioner is not issued by the board and the report of the same has been sent to Respondent no.4 vide Board office letter no.434 dated 14.05.2018 (Annexure-2 of the counter affidavit)

17. Learned counsel for the Respondent no.12 submits that the petitioner got her appointment as Panchayat Siksha Mitra vide memo no.11 dated 17.05.2005 on the basis of the certificate issued by Bihar Sanskrit Siksha Board which was further forwarded for verification and the Board denied issuance of any such marksheet in the Verification Report (Annexure A of



the counter affidavit) submitted by the Board.

18. It is further submitted that the deponent Shivchandra Ram, currently holding the post of Respondent no.12 has joined the aforesaid post in July, 2021 and Jai Prakash Kumar holding the post of Respondent no.13 has been elected in 2021, thus Respondent nos.12 and 13 have no role to play behind the issuance of the impugned order.

19. With reference to order dated 03.09.2024, the learned counsel for the Bihar Sanskrit Shiksha Board produced the Tabulation Register and the rules related to Madhyama Examination contained in letter bearing number आठ ई/ए 23-01/75-श्री - 1560 dated 19.07.1996, and same is kept on record. Now, on the perusal of the Tabulation Register it has been found that the original marks of the petitioner is 385 and not 416. It means the document produced by the petitioner is, therefore, found to be forged and fabricated. Further, on the perusal of the rules related to Madhyama Examination, prima facie, it is mentioned therein that there will be eight compulsory papers and one optional paper. Any one of the optional subjects can be kept as an additional paper. The Additional paper will be the tenth paper. The marks obtained above 30 in the additional paper will be added to the total marks. The total marks for each



paper will be 100.

20. Further, petitioner relied upon the order passed by this Court in C.W.J.C. No. 14952 of 2017 is not relevant or appropriate to the case at hand, considering the judgment of the Hon'ble Apex Court in case of **R. Vishwanatha Pillai Vs. The State of Kerala & Ors.** since reported in (2004) 2 SCC 105 and **State of Chattisgarh & Ors. Vs. Dhirjo Kumar Sengar** since reported in (2009) 13 SCC 600. In the case at hand also, prima facie, from perusal of Annexure-2 of the writ petition, it appears that the Original Marksheet issued by the Board, is forged and fabricated, as the colour used in writing the marks is different in the "Total Marks" from the rest of the marks mentioned in the respective subjects. Even the Board has denied the issuance of such marksheet on its behalf and also submits that the Board has only the tabulation chart of marksheet and not the separate foil attached to the marksheet which is itself a question to the authenticity of the marksheet and only tabulation chart of marksheet is found in the records of the Board, which is said to be issued in the year 1990, further on calculation of marks obtained by the petitioner in reality as per tabulation register seems differ in what actually written on the marksheet submitted/provided by the petitioner and thus the claim of the



petitioner regarding the originality of her marksheet is doubtful.

21. Considering the facts and circumstances of the case and materials available on record, I find that the marksheet of the petitioner as contained in Annexure-2 of this writ petition is tampered one and not issued by the Bihar Sanskrit Shiksha Board. Accordingly, this writ petition is dismissed.

(Anjani Kumar Sharan, J)

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