

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.267 of 2023**

Arising Out of PS. Case No.-56 Year-2022 Thana- BALIA BELON District- Katihar

MD. SABIR HUSSAIN Son of Shamsul Haque R/o Larkania Tola, P.S-  
katihar Dist- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Home, Department ,  
Patna Bihar
2. The District Education Officer, Katihar Bihar
3. Block Education Officer, Kadwa, Kadwa Katihar Bihar
4. The Principal, Primary School, Hakimabad, Panchayat Bichhara, P.S- Balia  
Belon, Dist- Katihar Bihar

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate  
For the Respondent/s : Mr.Suman Kumar Jha, AC to AAG3

**CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI**  
**ORAL ORDER**

2      01-03-2024                      It is contended on behalf of the petitioner while praying for quashing of Balia Belon P.S. FIR Case No. 56 of 2022 dated 17<sup>th</sup> of May, 2022, registered under Sections 166, 217, 420, 467, 468, 471 and 120B of the IPC. On the allegation that the petitioner got the job of a teacher on some forged document, it is submitted by the learned Advocate for the petitioner that the petitioner passed Bihar Secondary Teacher's Eligibility Test (B.S.I.T.E.T) and was declared eligible to be a teacher of a Secondary School and accordingly he was appointed as a teacher by a local *Panchayat*. However, the informant inquired about the veracity and truthfulness of



passing of the eligibility test from Bihar Elementary Teacher's Eligibility Test (B.E.T.E.T). Therefore, discrepancy occurred in the name, father's name and caste of the petitioner. So the petitioner was wrongly found to be ineligible candidate to be appointed as Secondary Teacher of a School.

2. On query, it is frankly submitted by the learned Advocate for the petitioner that the petitioner did not mention the matter to the Investigating Officer to facilitate him to inquire into the veracity of the complaint *vis-à-vis* the claim of the petitioner having been passed the examination of Bihar Secondary Teacher's Eligibility Test and qualified to be appointed as a teacher.

3. In such view of the matter, this Court disposes of the instant writ petition, directing the learned Advocate for the petitioner to send a copy of the writ petition along with all annexures as representation to the Investigating Officer. The Investigating Officer shall conduct investigation in respect of the claim of the petitioner and submit a report to the Jurisdictional Magistrate within two (2) months from the submission of the copy of the writ petition to the Investigating Officer.

4. It is made clear that if the Investigating Officer



finds that the petitioner was appointed after having the eligibility on being passed Bihar Secondary Teacher’s Eligibility Test, the Investigating Officer is at liberty to file report in final form in the Jurisdictional Court of Magistrate.

5. The Respondent-Authority shall consider, in case final report is filed, the claim of the petitioner to join the school as a teacher.

6. Accordingly, the writ petition is disposed of.

**(Bibek Chaudhuri, J)**

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