

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19090 of 2014

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Awdhesh Ram, S/o Late Tirpul Ram, R/o Village Jhitkahi, Virata Tola, P.S.
Dhaka, District East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna
2. The Secretary, Welfare Department, Government of Bihar, Patna.
3. The Secretary, Bihar Sanskrit Education Board, Patna.
4. The Secretary, Bihar School Examination Board, Patna.
5. The District Magistrate, East Champaran at Motihari, District East Champaran.
6. The District Project Officer-cum-District Welfare Officer, East Champaran, Motihari.
7. The Sub Divisional Officer, Sikrahana, Dhaka, East Champaran.
8. The Block Development Officer, Dhaka, District East Champaran.
9. Shri Rampukar Ram S/o Buchai Ram R/o Village Jhitkahi, Virta Tola, P.S. Dhaka, District East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Advocate Mr. Dhananjay Kumar, Advocate
For the State	:	Mr. Binod Kumar Yadav, SC 18
For the BSEB	:	Mr. Girijish Kumar, Advocate
For the SSB	:	Mr. S. S. Sundaram, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 20-08-2024

Heard Mr. Anil Kumar along with Mr. Dhananjay Kumar, learned counsels appearing on behalf of the petitioner; Mr. Binod Kumar Yadav, learned SC 18; Mr. Girijish Kumar, learned counsel for the BSEB and Mr. S.S. Sundaram, learned counsel for the Sanskrit Shiksha Board.

2. Petitioner has *inter alia* prayed for following reliefs



in the paragraphs No.1 of the writ petition:-

(I) For issuance of a writ in the nature of mandamus directing and commanding the respondents to appoint the petitioner on the post of "Vikas Mitra" in Jhitkahi Panchayat in place of Rampukar Ram.

(ii) For issuance of a writ in the nature of certiorari to quash order dated 14.11.2013 passed in case number 57-02/62/2012 (Annexure 3) by the respondent no.5 the District Magistrate East Champaran whereby and whereunder the proceeding against respondent no.9 has been concluded and order to pay entire arrears on the basis of wrong facts.

(iii) To grant any other relief or reliefs for which the petitioner is found entitled from the facts and circumstances of the case."

3. Learned counsel appearing on behalf of the petitioner submitted that the appointment of respondent no.9 is made on the basis of forged document including forged mark-sheet and certificate duly issued by Sanskrit Shiksha Board and on this ground, he submitted that the order dated 14.11.2013 passed in Case No.57-02/62/2012 holding the appointment of respondent no.9 as *Vikas Mitra* to be legal and dropping the proceeding against him, is not in accordance with law.

4. Counter affidavit filed on behalf of the Sanskrit Shiksha Board is required to be considered in respect of the claim of the petitioner that the certificate and the mark-sheet issued by the Sanskrit Shiksha Board are forged one and in this regard, I find that no clear statement has been made that upon verification of Madhyama result of respondent no.9, the same has been found to be a forged one. Statement has been made in



paragraph no.6, in which certain details relating to respondent no.9 as per the available record have been given and the same is reproduced hereinafter:-

“6. That the statement made in paragraph no.6 to 8 of the writ application, under reply it is stated that, Block Development Dhaka-East-Champaran, formerly requested the Board for verification of Madhyama result of respondent no.9, Sri Ram Pukar Ram. It is also that as per the available records following details is given below regarding the respondent no.9, Madhyama result.

<i>Name</i>	<i>Ram Pukar Ram</i>
<i>Fathers Name</i>	<i>Bakohi Ram</i>
<i>Date of Birth</i>	<i>02.03.1985</i>
<i>Code</i>	<i>1209/278/2007</i>
<i>Total Marks</i>	<i>361</i>
<i>Division</i>	<i>2nd Division</i>

It is also that as per the above details of Madhyam Examination result of respondent no.9 verification report has been sent to the Block Development Officer, Dhaka, East Champaran vide Board's letter bearing no.42(S) dated 17.01.2015.”

5. It is the claim of the petitioner that total marks as mentioned in paragraph no.6 to have been obtained by respondent no.9 is 361 and he was placed in second division, whereas respondent no.9 has submitted the mark-sheet of Madhyama result in which the total marks has been mentioned as 399. In respect of his claim, the petitioner has brought on record Annexure 3 series, which contains marks obtained by respondent no.9 and as per the result-sheet, he obtained total 361 marks, whereas in another mark-sheet of respondent no.9 on which basis allegedly he was engaged as Vikas Mitra which



has been annexed as Annexure 4, reflects marks obtained by respondent no.9 is 399. The said mark-sheet also bears the attestation on behalf of the Sub-Divisional Officer, Sikrahana, Dhaka, East Champaran.

6. I find that the claim of the petitioner and the allegation made against respondent no.9 is also admitted by the State respondents no.5 to 8 on whose behalf, a counter affidavit has been filed and from perusal of paragraphs no.5 to 9 thereof, it would appear that there has been violation of Clause VI of *Margdarshika* for cancellation of the selection of the respondent no.9 vide letter no.104 dated 24.05.2012 which has been brought on record by way of Annexure 8 to the writ petition. It has also been stated in paragraph no.6 that respondent no.9 had submitted resignation on 06.10.2012 citing his family problem. However, the resignation was not accepted. The file was put up before the District Welfare Officer (Mahadalit Vikas Mission) for decision by the District Magistrate, East Champaran. I find that the District Magistrate without considering the fact that from perusal of the original mark-sheets duly issued by the Sanskrit Shiksha Board, the total marks obtained by respondent no.9 appears to be 361, whereas, mark-sheet which has been produced by respondent no.9 at the time of his appointment duly



attested by the Sub-Divisional Officer shows total marks obtained by respondent no.9 as 399 which leads for a further investigation into the matter.

7. Considering the casual manner in which the District Collector, East Champaran has proceeded to pass order dated 14.11.2013 calls for interference by this Court having been passed without considering the alleged forgery committed by respondent no.9 in connivance with the Sub-Divisional Officer, Sikrahana, East Champaran. The coularable exercise of power by the Collector has frustrated the very object of *Mahadalit Vikas Mission*. In such circumstances, I find it proper to direct the Additional Chief Secretary/ Principal Secretary, Welfare Department, Government of Bihar to consider the case of the petitioner after calling the records relating to the appointment/engagement of respondent no.9 as *Vikas Mitra* in Jhitkahi Panchayat, Sikrahana, East Champaran. The Secretary, Sanskrit Shiksha Board is directed to produce the tabulation register of year 2007, showing mark-sheet and date of birth of respondent no.9, so that the Additional Chief Secretary/Principal Secretary may verify, as to whether, the forgery has been committed and any action is required against the Sub-Divisional Officer concerned and respondent no.9 and all those who were



involved in such scam frustrating the object of Mahadalit Vikas Mission. This Court is not directing to conclude the investigation and take action in any time limit, but it is expected from the Additional Chief Secretary/Principal Secretary, Welfare Department, Government of Bihar to conclude the same expeditiously, so that the object may not be frustrated as it has been informed by the parties that respondent no.9 is still working as *Vikas Mitra* and drawing salary on the said post. In case, it is found that appointment of respondent no.9 is illegal then in that case, the petitioner be considered to be appointed on the post of Vikas Mitra.

8. The writ petition is, accordingly, disposed of.

(Purnendu Singh, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.08.2024
Transmission Date	NA

