

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6001 of 2017

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Krishna Prasad son of Late Shivilal Keshari resident of village - Attasarai,
Police Station - Islampur, District - Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Director, Secondary Education, Bihar, Patna.
3. Regional Deputy Director of Education, Magadh Division, Gaya.
4. District Education Officer, Gaya.
5. District Programme Officer, Gaya.
6. Head Master, High School, Nanuak, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Shekhar
For the Respondent/s : Mr. Prabhakar Jha, GP-27

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 24-06-2024 1. The present writ application has been filed for quashing the order, dated 24.12.2002, contained in letter no. 4716, issued by the Direction, Secondary Education, Government of Bihar, to the District Education Officer, Gaya, whereby direction has been issued to lodge First Information Report against six Assistant Teachers, including the petitioner, posted at different High Schools, who have managed to obtain their appointment on the basis of forged appointment letter and to stop their salary forthwith.
2. The petitioner has also prayed for quashing the letter no. 734 (Law), dated 12.11.2003, issued by the Director,



Secondary Education, by which direction was given to initiate certificate proceeding against the petitioner and five others. The petitioner has prayed for reinstatement with all backwages.

3. The brief facts of the case is that pursuant to advertisement, applications were invited for appointment of teachers in different High Schools through Vidyalyaya Seva Board, Patna. Petitioner applied for the post in Department of Sanskrit. The case of the petitioner that after being declared successful in the examination conducted by the authority, he was appointed vide memo no. 26-395. dated 20.02.1990, in Thakkar Bappa High School, Dumaria, and thereafter he was transferred from one school to another during the service tenure.

4. Thereafter, on 21.03.2003, at the time when the petitioner was posted at High School, Nanauk, Gaya, the Headmaster of the said school stopped him from signing the attendance register and upon enquiry, he was informed that impugned letter no. 4716, dated 24.12.2002, was issued against the petitioner and five others, stating therein, that since six Assistant Teachers have somehow managed to get their appointment on the basis of forged appointment letter, as such, First Information Report may be lodged against them with



further direction to stop their salary and to initiate recovery proceeding by instituting certificate case.

5. In the aforesaid background, the petitioner moved before this Hon'ble Court in CWJC No. 9695 of 2004 which was disposed vide order, dated 28.05.2007, with a direction to file his representation before Director, Secondary Education. The petitioner filed his representation on 09.07.2011 raising his grievances before the Director, Secondary Education, and when no action was taken on such representation, he again moved before this Hon'ble Court in CWJC no. 20487 of 2012, which was disposed vide order, dated 06.11.2012, with a direction to the Director, Secondary Education, to consider and dispose the representation of the petitioner.

6. For the third time, the petitioner filed a contempt application, bearing MJC No. 2551 of 2013, before this Court, thereafter, the representation of the petitioner was disposed vide order, dated 10.02.2014, and the contempt application has been disposed.

7. Learned counsel for the petitioner submits that the petitioner was appointed as Teacher after due procedure of selection and has served for 10 years and no fraud whatsoever has been committed by him. He next submits that before passing



the impugned order, dated 24.12.2002, no opportunity of hearing was granted to the petitioner and the respondent-authorities have acted malafidely and arbitrarily. He further submits that this Court in CWJC no. 13421 of 2009 has granted relief to similarly situated person, namely, Lalan Kishore Arohi.

8. On the other hand, learned counsel for the respondents submits that the impugned order has been passed by the Director, Secondary Education, after giving proper opportunity of hearing to the petitioner as would clearly be evident from the impugned order that the petitioner wilfully chose not to appear on the date of hearing fixed on 04.10.2013, 15.11.2013, 05.12.2013, 27.12.2013, 17.01.2014 and 07.02.2014.

9. Upon the representation filed by the petitioner, inquiry was conducted, in which, it has come to light that the petitioner was appointed in the subject of Sanskrit through the so-called appointment letter vide memo no. 26-395, dated 20.02.1990 and his first posting was done in Thakkar Bappa High School, Dumaria. After checking the original records related to it, it was found that the name of the petitioner, namely, Sri Krishna Prasad, is not mentioned anywhere among the selected candidates. Thus, when the name of the petitioner is not



in the panel, then the question of his appointment letter issued by the department does not arise.

10. After checking of the original copy of the appointment letters issued by the said department, as per the department records, it proves that only two candidates were appointed. Sri Ram Vriksha Chauhan was appointed in High School Kumardubi, Singhbhum, and Sri Rakesh Kumar Upadhyay was appointed in Thakkar Bappa High School, Dumaria. This proves that a fake appointment letter has been prepared by the petitioner, as such, the so-called appointment letter submitted by the petitioner is completely different from the appointment letter issued by the department. Therefore, the petitioner entered in to the Government services by fraudulent means and on the basis of fake appointment letter.

11. I have heard learned counsel for the parties and have gone through the materials available on record.

12. While deciding the representation of the petitioner, the Director, Secondary Education, gave several opportunities to the petitioner to substantiate his claim before the authority. However, the petitioner failed to appear before the concerned authorities and did not produce any cogent materials in order to show that his appointment letter was genuine and



correct. The respondent-authorities compared the appointment letter of the petitioner with the original copy from its records and found that some other persons were appointed pursuant to the appointment letter, dated 20.02.1990.

13. The Director, Secondary Education, after verifying the appointment letter with the original records, has arrived at the finding that the appointment letter produced by the petitioner was different from the appointment letter issued by the department and the same was forged and fabricated.

14. In so far as claim of the petitioner regarding the relief granted to the similarly situated Sri Lalan Kishore Arohi in CWJC No. 13421 of 2009 is concerned, I have gone through the order, dated 11.10.2012, passed in the aforesaid writ application. A Co-ordinate Bench of this Court in the said case has found that the police, who was prosecuting the criminal case, has submitted a final form stating that the case of forgery against the petitioner in Khijarsarai Police Station Case No. 95 of 2003 has been found to be mistake of fact after investigation and thus, exonerated him. The final form was accepted by the Court of competent jurisdiction, accordingly, this Court directed the authorities to reinstate the petitioner within two weeks.

15. The respondent-authorities preferred LPA No.



540 of 2013, dated 01.11.2013, which was dismissed as withdrawn with liberty to the appellants-State to proceed further in accordance with law.

16. Lalan Kishore Arohi filed a contempt application before this Court in MJC No. 548 of 2013, which was dropped on the ground that on the basis of the order passed in LPA No. 540 of 2013, fresh proceeding was initiated which culminated into a final order passed therein terminating the petitioner (Lalan Kishore Arohi) and the veracity of such order cannot be tested in contempt petition.

17. Accordingly, the present petitioner cannot seek parity with the case of Sri Lalan Kishore Arohi.

18. Considering the aforesaid fact no interference is required against the impugned order, terminating the service of the petitioner.

19. In the result, this writ application is dismissed.

(Anil Kumar Sinha, J)

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