

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17115 of 2019

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Ranjeet Pandit Son of Sri Parsuram Pandit, resident of Gajipur, Post Ufroul,
Police Station Deshri, District Vaishali at Hajipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Education Department, Government of Bihar, Patna
4. The Vigilance Investigation Bureau, Vigilance Department, Government of Bihar, Patna.
5. The Director General of Police, Bihar, Patna
6. The Vigilance Commissioner, Vigilance Department, Government of Bihar, Patna.
7. The Union of India, through home Secretary, Ministry of Home, New Delhi.
8. The Secretary, Department of Personnel and Training, Government of India, New Delhi.
9. The Director, Central Bureau of Investigation, New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Dinu Kumar, Advocate Ms.Ritika Rani, Advocate Mr.Vardaan Mangalam, Advocate
For the State	:	Mr.P.K. Shahi, AG Mr.Apurva Kumar, Advocate Mr.Sanjiv Kumar, Advocate Mrs.Nivedita Nirvikar, Sr. Advocate
For the Vigilance	:	Mr.Anjani Kumar, Sr. Advocate Ms.Archana Palkar Khopde, Advocate Mr.Shailendra Kumar Singh, Advocate Mr.Utkarsh Bhushan, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

CAV JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 03-04-2024

The above writ petition is filed seeking an enquiry
into the funds allegedly misappropriated under the *Sarv Shiksha*



Abhiyan, funded by the Government of India and the appointments made by the Government of Bihar of regular teachers in the three tier Panchayat system who joined between 2006-2015. It is alleged that many of the said teachers had produced forged academic and training certificates, as also the selection was vitiated by the nepotism of the Mukhiyas. The petitioner also has specifically referred to the orders passed in CWJC No. 15459 of 2014 produced as Annexure-6 and sought for completion of the verification directed therein.

2. We see from the records that CWJC No. 15459 of 2014 was filed agitating the very same cause, in public interest. By Annexure-4 dated 22.06.2015, a Division Bench noticed the disparity in claims made by the Hon'ble Education Minister and the Vigilance Department of teachers appointed on the basis of fake certificates. The Division Bench noticed the magnitude of a fraud and decided to give a general amnesty to persons who come forward voluntarily as a first step. A notice was directed to be published to the effect that any teacher who secured appointment on the basis of fake or fabricated certificates should submit his resignation within 15 days, and then no proceeding would be taken against him for prosecution or for recovery of the salary already paid. The teachers continuing, if



found to be have secured appointment on the basis of fake and fraudulent certificates, would then be subjected not only to prosecution, but also recovery of the salary paid.

3. Later by an order dated 28.07.2015, it was noticed that 3000 teachers have resigned and that verification is going on with respect to the other's certificates. Annexure-6 order is in disposal of the writ petition, which is dated 05.12.2016. The Vigilance Bureau's investigations and the report filed were noticed. It was observed that a gigantic task is being carried out by the Vigilance and hence, there is no requirement of continuous monitoring of investigation. The writ petition was closed with the hope that the Vigilance would complete the investigation and take appropriate action. Hence, if there was any complaint regarding the investigation, there should have been a contempt filed and not a second writ petition for the very same cause.

4. Be that as it may, there has been a number of counter affidavits filed by the Education Department and the Vigilance Department. We would only refer to the counter affidavit filed by the Vigilance Investigation Bureau on 03.10.2023 and that of the Education Department on 13.03.2024. The Education Department after referring to the



final order passed in CWJC No. 15459 of 2014 has listed out the further actions taken. About six lakhs certificates were verified by the Vigilance Bureau and only 2019 certificates were found to be fake i.e., less than 0.35%. Almost 1317 FIRs were registered in the last nine years against 2561 persons. The teachers dismissed from service are 1252 and action is pending against the remaining persons who were found to have procured fake and fraudulent certificates. There are also some writ petitions filed based on which some of the teachers are continuing.

5. The Superintendent of Police, Vigilance Investigation Bureau submits that 3,52,927 folders of individual Niyojit teachers were to be sanctioned. The certificates produced were verified with the Examination Board inside and outside the State. Out of 3,52,927 folders, the Vigilance Bureau was able to procure only 2,80,759 folders, containing 8,30,237 certificates, from the District Education Authorities as on September, 2023. The certificates were sent for verification to the concerned Boards, Universities and Institutions inside and outside the State of Bihar. Out of 5,90,945 certificates verified 2157 certificates were found to be fake and forged. It is submitted that almost 71% of the total certificates produced



have been verified. The registration of FIRs as stated by the Vigilance Bureau is in tandem with the submission made by the Education Department.

6. A break-up chart of the investigation carried out showing the number of folders procured, the result of enquiry up to September, 2023 also is produced as Annexure- E. A break-up chart of the details of certificates sent to the different Boards, Universities and Institutions within and outside the State of Bihar are also produced as Annexure F and G. Out of a total of 5,57,959 certificates of Niyojit teachers 4,33,854 certificates have been verified and 1,24,105 certificates are still pending verification. Verification has also been attempted of 34,570 certificates of teachers who obtained qualifications from outside the State of Bihar and 32,809 certificates are pending verification with the various Universities; some of whom have demanded charges for the verification to be carried out.

7. The learned Advocate General has informed us that many of the folders with respect to the Niyojit teachers are not available and in that circumstance the investigation into the selection process has reached a definite road block. We see that with the passage of time, a lot has been achieved by the Vigilance Bureau and steps are still continued. As of now, the



State has changed the policy of appointment of teachers and has brought out rules intending to appoint qualified persons after a due selection process by a Commission constituted.

8. We find no reason to keep the writ petition pending but we make it clear that wherever investigation is proceeded with and forgery or fraud detected, appropriate action shall be taken. With the above observation, the writ petition would stand closed.

(K. Vinod Chandran, CJ)

Harish Kumar, J I agree

(Harish Kumar, J)

Anushka/-

AFR/NAFR	
CAV DATE	19.03.2024
Uploading Date	03.04.2024
Transmission Date	

