

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18625 of 2015

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Neelam Sharma D/o - Suresh Prasad R/o - Ramjaypal Nagar, Bailey Road,
P.S. - Rupaspur, Near - Gola Road, District – Patna. 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 Union Government of India through Home Secretary, Government of India New Delhi.
5. The Secretary, Department of Personnel and Training, Government of India, New Delhi.
6. Patna Municipal Corporation through Municipal Commissioner-cum-Authorized Officer, Patna.
7. The Teachers Appointment Committee Patna Municipal Corporation through its Secretary.
8. Principal, Shahid Rajendra Prasad Singh, Higher Secondary School, Patna High School, Gardanibag, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vishwajeet Kr. Mishra, Advocate
	:	Mr. Ashutosh Tripathy, Advocate
For the State	:	Mr. P.K. Verma, AAG 3
	:	Dr. Mankeshwar Tiwary, AC to AAG 3
For P.M.C.	:	Mr. Ranjeet Kr. Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL JUDGMENT

Date : 28-03-2024

Re: I.A. no. 798 of 2016

1. The present interlocutory application has been filed
for adding the following reliefs to the main writ application :-

*“1(C)- For issuance of an appropriate writ/
order/ direction quashing the letter no. 198
dated 12.01.2016 and letter no. 389 dated
23.01.2016, issued by District Programme
Officer (Establishment), Patna and further for
quashing the order issued by the Principal,*



Shahid Rajendra Prasad Singh, Rajkiya Uchch Madhyamik Vidyalaya (Patna High School), Gardanibagh, Patna vide memo no. 01 dated 23.01.2016, whereunder the petitioner has been stopped from discharging her duties as a teacher and she has been restrained from marking her attendance in the attendance register. The letter dated 23.01.2016 has been received by the petitioner after 2 days.

1(D) For issuance of an appropriate writ/ order/ direction upon the respondents to pay her due salary as the respondents have stopped the salary of this petitioner for last 8-10 months. Respondents have now illegally restrained the petitioner from discharging her duties as a teacher and she is entitled to get salary for this period as the petitioner is being illegally restrained from discharging her duties.”

2. Keeping in view the nature of prayer made in the present interlocutory application, I.A. no. 798 of 2016 is allowed and the prayers made in the interlocutory application form part of the main writ application.

Re: C.W.J.C. no. 18625 of 2015

3. The present writ application has been filed by the petitioner being aggrieved by the letter dated 23.01.2016, issued



by the Principal, Patna High School, by which, the petitioner has been terminated from the post of 10+2 Teacher of Patna High School, Gardanibagh.

4. Learned counsel for the petitioner submits that the petitioner was appointed as 10+2 Teacher in the Patna High School in the year, 2014, pursuant to an advertisement published for appointment. The petitioner was having qualification of Bachelor of Education as well as certificate of Bihar State Teachers Eligibility Test (in short “B.S.T.E.T.”) at the time of her appointment. The certificates of B.Ed., cleared by the petitioner in the year, 2009 and B.S.T.E.T. cleared by her in the year 2012 were also produced at the time of appointment. The order of termination has been passed on the ground that the petitioner has produced the forged certificate of B.S.T.E.T.-2012.

5. Learned counsel for the petitioner next submits that since the petitioner was appointed under ***Bihar Municipal Body Secondary and Higher Secondary Teachers (Employment and Service Conditions) Rules, 2006 (hereinafter referred to as “Rules, 2006”)***, as such, any rule amended in the year, 2012 shall not apply in the case of the petitioner, inasmuch as in 2006, there was no requirement for having certificate of B.S.T.E.T. for appointment as 10+2 Teacher and the same has been brought



under **2012 Rules**. The petitioner has obtained the certificate of B.S.T.E.T. in the year, 2023 and now, she is eligible to be retained in service on the basis of subsequent qualification acquired by her in the year, 2023.

6. On the other hand, learned counsel for the Patna Municipal Corporation submits that at the time of her appointment, the petitioner produced the forged certificate of B.S.T.E.T.-2012 and pursuant to the direction issued by this Court in C.W.J.C. no. 15459 of 2014, the certificates of the Teachers, appointed in the year 2006 onwards, were verified and examined by the Vigilance Department and in that process, the B.S.T.E.T. certificate of the petitioner has been found to be fabricated. In that connection, an F.I.R. bearing Kotwali PS case no. 452 of 2015 has been lodged by the Vigilance Police against the petitioner. Learned counsel further argued that the petitioner has been appointed as per ***Bihar Municipal Body Secondary and Higher Secondary Teachers (Employment and Service Conditions) (Revised) Rules, 2012 (hereinafter referred to as "Rules, 2006")***, by which ***Rules, 2006*** was revised and under the provisions of ***Rules, 2012***, the Teachers were required to possess B.S.T.E.T. Certificate along with other requirements.

7. I have heard learned counsel for the parties. From



perusal of the impugned order dated 23.01.2016, it appears that the petitioner has been terminated on the ground of having produced the forged and fabricated certificate of B.S.T.E.T. The petitioner has not brought on record any material to show the genuinity of the B.S.T.E.T. certificate produced by her in the year 2012. The petitioner has submitted that subsequently, in the year 2023, she has passed B.S.T.E.T. and on the basis of subsequent qualification acquired by her in the year, 2023, she may be allowed to continue in her services. Law is well settled that “Fraud Unravels Everything”. Since the petitioner has been terminated on the ground of having produced the forged certificate, she is not entitled for any relief by this Court. The subsequent qualification of B.S.T.E.T. acquired by the petitioner in the year 2023 is of no consequence in the facts and circumstances of the present case.

8. Accordingly, this writ application is devoid of any merit and hence, the same is dismissed.

(Anil Kumar Sinha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.03.2024
Transmission Date	NA

