

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24707 of 2018

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Parsuram Rai Son of Ramavatar Rai, R/o Vill and P.O. Rachiahi, P.S. Sadar,
Distt. Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Dept. Patna, Bihar.
2. The District Education Officer, Begusarai.
3. The District Programme Officer (Establishment), Begusarai.
4. The Block Education Officer, Matihani, P.S. Matihani, District- Begusarai.
5. Bihar School Examination Board, Sinha Library Road, Patna through its Secretary

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ansul, Advocate Mr. Anuj Kumar, Advocate Mr. Aditya Pandey, Advocate Mr. Eashita Raj, Advocate Mr. Sakshi Bhatnagar, Advocate Ms. Sagarika Vidyarthi, Advocate Mr. Aditya Raj Singh, Advocate
For the State	:	Ms. Abhanjalli, AC to GA-12
For the BSEB	:	Mr. P.K. Shahi, Sr. Advocate Mr. Girijish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT

Date : 12-11-2024

Heard learned counsel for the petitioner, learned Advocate General Sri P.K.Shahi assisted by Sri Girijesh Kumar learned counsel appearing on behalf of the BSEB and learned AC to GA-12 for the State.

2. Learned Advocate General submits that the Secretary, BSEB in compliance of the order dated 11.11.2024 is present in the Court. Learned Advocate General further submits that a mistake was committed at the end of the Board on account of



which the petitioner has suffered. Learned Advocate General next submits that the FIR which has been instituted against the petitioner ought not to have been instituted but then since there was some mistake committed by the authorities of the Board in the year 1998 by not rectifying the mistake in the tabulation register, as such, the mistake occurred. Learned Advocate General also submits that he has raised the issue with the competent authority and will have no objection if the FIR instituted against the petitioner is quashed in the present proceedings, though the same is not under challenge.

3. Learned counsel for the petitioner submits that the instant writ application has been filed seeking quashing of the memo no. 352 dated 25.10.2018 issued by the Block Education Officer, Matihani addressed to the In-Charge, Principal, Upgraded Middle School, Rachiyahi communicating him the decision of the District Programme Officer that a decision has been taken to terminate the services of such teachers who have been appointed based on forged and fabricated certificate.

4. Learned counsel for the petitioner submits that petitioner having requisite qualification was appointed as Panchayat Teacher vide memo no. 12 dated 01.11.2007 (Annexure-3) issued by the competent authorities and joined at



Primary School, Sitarampur while petitioner was discharging his duty to the satisfaction of all concerned, when all of a sudden memo no. 352 dated 25.10.2018 (Annexure-5) was issued by the Block Education Officer.

5. Learned counsel for the petitioner further submits that the memo dated 25.10.2018 was issued without issuing any show cause to the petitioner. The decision to terminate the service of the petitioner was taken behind his back on the ground that Matihani P.S. Case No. 166 of 2017 was instituted against him with an allegation that he secured appointment as teacher based on a forged certificate.

6. Learned counsel for the petitioner next submits that petitioner since August, 2017 till date has not been paid his salary for the reason that an FIR has been instituted against him with an allegation that he secured appointment based on forged and fabricated certificate. It is next submitted that till date the service of the petitioner as teacher has not been terminated.

7. Learned counsel for the petitioner further submits that the name of the father of the petitioner is Ramawatar Roy and his date of birth is 01.01.1974 but in the matriculation certificate which was issued by the Bihar School Examination Board, in the said certificate the name of the father of the petitioner was



recorded as Rang Bahadur and date of birth was mentioned as 07.05.1975. It is submitted that the moment the petitioner realized that his matriculation certificate records wrong name of his father and the date of birth, accordingly, through proper channel the petitioner approached the authorities of Bihar School Examination Board for getting the matriculation certificate rectified by incorporating the correct name of his father and date of birth. It is further submitted that based on the representation of the petitioner, the matriculation certificate of the petitioner was rectified in the year 1998 and the name of the father of the petitioner was recorded as Ramawatar Roy and the date of birth was recorded as 01.01.1974 as would manifest from the rectified matriculation certificate issued in the year 1998 by the Bihar School Examination Board annexed as Annexure-2 to the writ application.

8. Learned counsel submits that since his matriculation certificate was rectified based on his representation by the authorities of the Board, as such, in the year 2007 he applied for the post of Panchayat Teacher based on the rectified matriculation certificate apart from other documents for being considered for appointment as Panchayat Teacher. It is submitted that the authorities after verifying his certificates appointed the petitioner as Panchayat Shikshak at Primary School, Sitarampur.



9. Learned counsel next submits that while the petitioner was discharging his duty as a Panchayat Teacher when a writ application being C.W.J.C. No. 15459 of 2014 came to be filed wherein this Court had given certain time limits to those teachers who had obtained their appointment as a teacher based on forged and fabricated certificate to resign. It is submitted that since petitioner was appointed as a Panchayat Teacher based on genuine certificate, as such, he did not resign, but later the Vigilance during the course of inquiry after verification of his matriculation certificate from the Bihar School Examination Board found that the name of the father of the petitioner in the matriculation certificate was recorded as Rang Bahadur and his date of birth was recorded as 07.05.1975, as such, the Vigilance presumed that petitioner had obtained the appointment on the post of Panchayat Teacher based on a forged and fabricated certificate as during the time of appointment he had submitted the certificates including the matriculation certificate wherein the name of the father of the petitioner was recorded as Ramawatar Roy and date of birth as 01.01.1974, as such, the aforesaid FIR was instituted.

10. Learned counsel for the petitioner submits that had an opportunity been given to the petitioner by the Vigilance prior to instituting the aforesaid FIR perhaps the FIR would not have



been instituted as the petitioner would have brought the correct facts to the notice of the Vigilance that his matriculation certificate got rectified in the year 1998 itself and thereafter based on the said certificate apart from other certificates he got his appointment.

11. Learned counsel for the petitioner submits that had the Bihar School Examination Board been a little careful when the Vigilance had approached the authorities seeking clarification with regard to the certificate of the petitioner perhaps the petitioner would not have faced a criminal prosecution.

12. Learned counsel for the petitioner next submits that the case was taken up on 11.11.2024 when the Secretary, Bihar School Examination Board was directed to remain physically present along with the records of the case to substantiate that as to whether Annexure-2 to the writ application is a genuine or a forged document.

13. Learned Advocate General appeared and made a categorical submission on behalf of the Bihar School Examination Board that a mistake has been committed, the certificate of the petitioner based on which he had sought appointment as Panchayat Teacher was genuine but in the tabulation register of the Bihar School Examination Board the mistake committed initially was not rectified, as such, the petitioner had to face a criminal prosecution.



14. Learned Advocate General also fairly submits that though the FIR which has been instituted against the petitioner as recorded hereinabove is not under challenge but then for ends of justice the State will have no objection if the FIR instituted against the petitioner is quashed.

15. At this stage, learned counsel appearing on behalf of the petitioner submits that one can well imagine the plight of the petitioner who has suffered on account of mistake committed by the Bihar School Examination Board in not recording the correct facts in the tabulation register based on which his salary from August, 2017 till date is withheld and the petitioner is also suffering the rigors of criminal prosecution.

16. Learned counsel appearing on behalf of the State submits that the respondent State Authorities had no option but to deal with the petitioner in the manner as he has been dealt on account of institution of the aforesaid FIR but then fairly submits based on the submission made by the learned Advocate General that petitioner has suffered for no fault of his.

17. Learned counsel after making his submissions on merit submitted that the instant writ application has been filed seeking quashing of the memo no. 352 dated 25.10.2018 issued by the Block Education Officer, Matihani addressed to the In-Charge,



Principal, Upgraded Middle School, Rachiyahi communicating him the decision of the District Programme Officer that a decision has been taken to terminate the services of such teachers who have been appointed based on forged and fabricated certificate.

18. After hearing the learned counsel for the parties, the Court, prima facie, is of the opinion that the petitioner has suffered on account of the mistake committed by the Bihar School Examination Board based on which Matihani P.S. Case No. 166 of 2017 dated 17.10.2017 under Sections 467, 468, 471, 420 and 120(B)/34 of the Indian Penal Code was registered against the petitioner and thereafter the salary of the petitioner was withheld and he was not allowed to work for no fault of his.

19. The Court is in complete agreement with the submissions made by the learned counsel appearing on behalf of the petitioner.

20. After hearing the learned counsel for the parties and also taking into consideration the submission made by the learned Advocate General, the order impugned contained in memo no. 352 dated 25.10.2018 issued by the Block Education Officer along with Matihani P.S. Case No. 166 of 2017 dated 17.10.2017 are hereby quashed and the respondent authorities are directed to forthwith calculate the arrear payment of the petitioner and after



calculating the same, the arrear payment would be made to the petitioner within a period of one month from the date of receipt/production of a copy of this order.

21. The personal appearance of the Secretary, Bihar School Examination Board is dispensed with.

(Satyavrat Verma, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	12.11.2024
Transmission Date	

