

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1204 of 2025

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Rakesh Kumar Chaudhary Son of Late Jitendra Choudhary Resident of
Mohalla- Arpana Bank Colony, Phase-2, Ram Jaipal Road, Police Station-
Rupaspur, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary,, General
Administration Department, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Patna Division, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kundan Kumar Sinha
For the Respondent/s	:	Ms. Shweta Anand
		AC to GP-13

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL JUDGMENT

Date : 20-06-2025

1. This petition has been preferred by the petitioner being aggrieved with the order dated 13.12.2024 whereby the services of the petitioner has been terminated on the ground that at the time of appointment, he submitted his false documents regarding his passing of Class-VIII examination.

2. The brief facts of the case is that father of the petitioner was working on the post of Assistant in Section Office, in the office of Divisional Commissioner, Patna Division, Patna, who died in harness on 08.04.2023. The petitioner, being his son, applied for his appointment on



compassionate ground as Class-IV employee, which has been allowed by the respondents on 06.08.2024 vide Annexure-P/2. Subsequently, vide impugned order dated 13.12.2024, services of the petitioner has been terminated on the ground that at the time of submission of his application for his appointment, he submitted one transfer certificate wherein it has been mentioned that he has passed the Class-VIII examination and was found pass.

3. Heard learned counsel appearing for the parties and perused the documents annexed with the petition as well as the affidavit and the supplementary counter filed by the respondents.

4. Undisputedly, the petitioner has applied for the post of Class-IV employee on compassionate ground. Perusal of the Annexure-R/D annexed with the counter affidavit shows that the respondents himself admitted the fact that the petitioner at the time of his appointment on compassionate ground to the post of Class-IV employee was not required to pass examination of Class-VIII, meaning thereby, petitioner was not required to pass Class-VIII examination at the time of his appointment to the post of Class-IV employee.

5. The transfer certificate, which has been annexed



by the petitioner with his application form, has been placed on record by the respondents wherein the date of issuance of certificate is mentioned as 10.08.2011. Perusal of Annexure-P/1, further shows that the petitioner in his show cause mentioning the fact that the certificate which has been annexed by him is obtained by his father, without verifying the genuineness and correctness of the said certificate, he submitted the same along with his application.

6. In the case of *Avtar Singh Versus Union of India & Others* reported in *2016(8) SCC 471* dealing with the issue the Hon'ble Supreme Court in paragraph 38.10 observed which reads thus:

“38.10. For determining suppression or false information attestation/ verification form has to be specific, not vague. Only such information which was required to be specifically mentioned has to be disclosed. If information not asked for but is relevant comes to knowledge of the employer the same can be considered in an objective manner while addressing the question of fitness. However, in such cases action cannot be taken on basis of suppression or submitting false information as to a fact which was not even asked for.”

7. Taking into consideration the fact that the



petitioner himself mentioned the fact that the said certificate is obtained by his father and without verifying its genuineness and correctness he submitted the same and further taking into consideration the fact that for appointment of the petitioner on compassionate ground for the post of Class-IV, there was no necessity of his passing of Class-VIII examination. The mistake committed by the petitioner appears to be *bona fide* and not a *mala fide* and therefore, it can be condoned.

8. Accordingly, the petition is allowed. The impugned order dated 13.12.2024 (Annexure-P/1) is set aside.

9. The respondents are directed to reinstate the services of the petitioner forthwith with all consequential benefits and pass necessary orders in accordance with relevant rules and law.

(Arvind Singh Chandel , J)

shailendra/-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	26.06.2025
Transmission Date	NA

