

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43816 of 2019

Arising Out of PS. Case No.-386 Year-2017 Thana- Kharagpur District- Munger

Gyan Mala Kumari Wife Of Praduman Kumar Resident Of Village - Chhotki
Hathiya, P.S.- Kharagpur, Dist.- Munger.

... .. Petitioners

Versus

The state of bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar

For the Opposite Party/s : Mr. Ajay Mishra

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

10 28-04-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. This application has been filed for quashing the order taking cognizance dated 06.03.2018 passed by the Court of A.C.J.M.- IV, Munger in connection with Kharagpur P.S. Case No.386 of 2017, whereby and where under cognizance has been taken for the offences under Sections 420, 467, 468, 471, 120B of the Indian Penal Code.

3. The prosecution story is that pursuant to the order of this Court passed in C.W.J.C. No.15759 of 2014, the educational qualification and experience certificates of all the teachers who were employed till 2006 were verified. Upon verification, the experience certificate of the petitioner was found forged. Accordingly, the F.I.R. was lodged against the



petitioner.

4. Learned counsel for the petitioner submits that the petitioner was working as a Shiksha Sevi in Special Education from 18.03.2000 to 31.03.2001 and her experience certificate had been issued by the District Jan Shiksha, Munger and she was being paid the remuneration by the State Government for her services as Shiksha Sevi. Thereafter, the petitioner was appointed as Panchayat Teacher and in the said appointment she was given weightage for the services rendered by her as Shiksha Sevi and accordingly, the petitioner discharged her duty to the satisfaction of the authority concerned and her certificate was verified by the authorities concerned and was found genuine then only her salary was issued.

5. Learned counsel for the petitioner also submits that suddenly an FIR was lodged against the petitioner on the basis of a report submitted by the District Program Officer, Shakshitra, Munger to the Vigilance Investigation Bureau, in which it was mentioned that the certificate issued by the authority on the basis of second issuing register, the recognition has been cancelled on 14.10.2014 but the certificate has been issued to the petitioner in the year 2008 and she was



appointed in the year 2010. The petitioner had been appointed as an untrained teacher and additional experience of teaching is genuine and legal as she had received those certificates after attending training as part time and special training conducted by the training school against that she had received salary/ remuneration through the Bank.

6. It has been submitted by learned counsel for the petitioner that the petitioner was employed after following due process of law but without any proper enquiry, the experience certificate of the petitioner has been held forged and illegal though it is apparent from the letter issued by the training school that the petitioner had attended training and received salary/remuneration by the Department concerned. However, without giving any opportunity to the petitioner, the FIR was lodged and letters were issued to stop the petitioner from discharging her duties which is not sustainable in the eye of law.

7. It has been argued by learned counsel for the petitioner that on the basis of the report of the District Programme Officer, the Vigilance Department lodged this FIR and the Department issued the termination letter to the petitioner. Against, the termination order, the petitioner filed Appeal Case No.36 of 2018 before the District Appellate



Authority. The Appellate Authority, after hearing the parties and on perusal of the records, came to the conclusion that the experience certificate of the petitioner is genuine and valid and accordingly, direction was issue to reinstate the petitioner in service.

8. Learned APP for the State opposed the application and submitted that this Court may not interfere at the stage of cognizance as the petitioner may raise all the grounds at the stage of framing of charge.

9. I have considered the submissions advanced on behalf of the parties. The very basis of lodging the F.I.R. is that the experience certificate of the petitioner was found to be forged. Subsequently, the District Appellate Authority, Munger in Appeal Case No.36 of 2018 and other analogous cases has held that the experience certificate of the petitioner is genuine and valid. In these circumstances, I am of the view that the prosecution of the petitioner cannot continue once the experience certificate has been found to be genuine by the Appellate Authority.

10. In view of the aforesaid facts, this application is allowed. Accordingly, the F.I.R. vide Kharagpur P.S. Case No.386 of 2017 and all consequential proceedings



arising out of the aforesaid F.I.R. including the order taking cognizance dated 06.03.2018 passed by the Magistrate are hereby quashed.

(Sandeep Kumar, J)

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