

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35813 of 2019**

Arising Out of PS. Case No.-180 Year-2017 Thana- SANGRAMPUR District- Munger

1. Pankaj Kumar Son Of Kailash Das Resident Of Village-Amadaha, P.S.-  
Haveli Kharagpur, District-Munger.
2. Nawal Kumar Son Of Sah Deo Rajak Resident Of Village-Sant Tola, P.S.-  
Haveli Kharagpur, District-Munger.

... .. Petitioners

Versus

1. The State Of Bihar Bihar
2. Police Sub Inspector, Vigilence Investigation Beure Camp, Munger. Bihar

... .. Opposite Parties

**Appearance :**

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate  
For the Opposite Party/s : Mr. Ajay Mishra, APP

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL ORDER**

8      28-04-2025                      Heard learned counsel for the petitioners and  
learned APP for the State.

2. This application has been filed for quashing the order taking cognizance dated 27.03.2018, passed by the Court of S.D.J.M., Munger in connection with Shangrampur P.S. Case No.180 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 passed by this Court in C.W.J.C. No.15759 of 2014, the education 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 petitioners.

4. Learned counsel for the petitioners submits that the petitioner no.1 was working as a Shiksha Sevi in Special Education, since 15.11.1999 to 31.03.2001 and petitioner no.2 was working as a Shiksha Sevi in Special Education, since 11.07.1999 to 31.03.2001, and their experience certificates had been issued by the District Jan Shiksha, Munger and they were being paid the remuneration by the State Government for their services as Shiksha Sevi. Thereafter, the petitioners were appointed as Panchayat Teacher and in the said appointment they were given weightage for the services rendered by them as Shiksha Sevi and accordingly, the petitioners discharged their duty to satisfaction of the authority concerned and their certificates were verified by the authorities concerned and was found genuine then only their salaries were issued.

5. Learned counsel for the petitioner also submits that suddenly an FIR was lodged against the petitioners 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 petitioners in the year 2008 and they were appointed in the year 2010. The petitioners had been appointed as untrained teacher and additional experience of teaching is genuine and legal as they have received those certificates after attending training as part time and special training conducted by the training school against that they had received salary/ remuneration through the Bank.

6. It has been submitted by learned counsel for the petitioner that the petitioners were employed after following due process of law but without any proper enquiry, the experience certificates of the petitioners had been held forged and illegal though it is apparent from the letter issued by the training school that the petitioners had attended training and received salary/ remuneration by the Department concerned. However, without giving any opportunity to the petitioners, the F.I.R. was lodged and letters were issued to stop the petitioners from discharging their 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 Program Officer, the Vigilance Department lodged this F.I.R. and the



Department issued the 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 petitioners is genuine and valid and accordingly, direction was issued to reinstate the petitioners 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 petitioners 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 petitioners 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 petitioners 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 Shangrampur P.S. Case No.180 of 2017 and all consequential proceedings arising out of the aforesaid F.I.R. including the order taking cognizance dated 27.03.2018, passed by the Magistrate are hereby quashed.

**(Sandeep Kumar, J)**

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