

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11357 of 2019

1. Garibnath Tiwari Son of Sri Surendra Tiwari Resident of Village- Rikhar Chauk, P.S.- Lalganj, District- Vaishali.
2. Rajiv Ranjan Son of Sri Dilip Kumar Resident of Village- Belsar, P.S.- Vaishali, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary General Administration Department, Government of Bihar, Patna.
3. The Director Primary Education, Government of Bihar, Patna.
4. The Bihar School Examination Board Through its Chairman, Budh Marg, Patna.
5. The Secretary Bihar School Examination Board, Budh Marg, Patna.
6. The District Magistrate Muzaffarpur.
7. The District Education Officer Muzaffarpur.
8. The District Programme Officer (Establishment) Muzaffarpur.
9. The Block Education Officer Saraiya -cum- Paru, Muzaffarpur.
10. The Vigilance Investigation Bureau through ADG Circular Road, Patna, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bashant Kumar Choudhry, Sr. Advocate
For the State	:	Mr. Jitendra Kr. Roy 1 (Sc13)
		Mr. Hitesh Suman, AC to SC-13
For the BSEB	:	Mr. P.K. Shahi, Sr. Advocate
		Mr. Gyan Shankar, Advocate
For the Vigilance	:	Mr. Anil Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

13 16-12-2025 Heard Mr. Bashant Kumar Choudhry, learned

Senior Counsel, duly assisted by Mr. Tathagat Saurabh, for

the petitioners; Mr. Hitesh Suman, AC to SC-13, for the State;



Mr. Gyan Shankar, learned counsel, for the Bihar School Examination Board; and Mr. Anil Kumar, learned counsel, for the Vigilance.

2. Learned counsel for the petitioners is directed to add the Block Development Officer, Paru, Muzaffarpur, and the Panchayat Secretary, Bahdinpur, Paru, Muzaffarpur, as Party Respondent Nos. 11 and 12, respectively, in the course of the day.

3. The instant writ application has been filed for the following reliefs:-

(i) For directing the respondents to pay the salary of the petitioners from 23.02.2018 till date which has been withheld without any plausible reason.

(ii) For quashing of the Memo No.387 dated 23.02.2018 whereby the salary of the petitioners has been stopped till completion of enquiry.

(iii) For directing the respondent Bihar School Examination Board to produce the Tabulation Register of TET examination-2011 with regard to petitioner no.1, roll no.371311804 and petitioner no.2, roll no.3735110324.

(iv) For quashing of the letter no.3389 dated 02.09.2019 and letter no.3390 dated 02.09.2019 issued by the Respondent No.8, whereby direction has been issued to the Respondent No.9 to terminate the service of the petitioners and further lodge the FIR against them despite of order of status-quo passed by this Court in the present writ application on 28.06.2019.



(v) During pendency of the present writ application the effect of letter No.3389 and 3390 dated 02.09.2019 may kindly be stayed.

(vi) To quash the letter no.1017 dated 12.11.2025 and letter no.1018 dated 12.11.2025 issued by the Deputy Superintendent of Police, Vigilance Investigation Bureau, whereby and whereunder direct to the In-charge Police Station Paroo P.S. District- Muzaffarpur for lodging FIR against these petitioners during pendency of the writ application.

(vii) To further direct the respondent authorities not to take any coercive action against the petitioners in compliance of above said letter dated 12.11.2025 during pendency of the writ application.

(viii) For any other relief or reliefs for which the petitioners are found entitled to in the facts and circumstances of the case.

4. Learned Senior Counsel for the petitioners submits that the writ petition was originally filed seeking the payment of the petitioners' salary, which has been withheld without any plausible reason from 23.02.2018 till date. During the pendency of the writ application, the respondents, through various affidavits, contended that the appointments were secured by the petitioners on the basis of forged TET (Teacher Eligibility Test) certificates. Learned counsel representing the Bihar School Examination Board (BSEB) filed an affidavit, submitting that the said TET certificates



were not issued by the BSEB. Consequently, the respondents' stand before this Court was that since the appointments were obtained on the basis of forged certificates and the petitioners were not eligible as they have not passed the TET examination, they cannot claim salary for the period during which they are said to have discharged their duties.

5. On objections being raised by the petitioners and other similarly situated persons, whose TET certificates were found to be forged, a Vigilance enquiry was conducted. Learned Senior Counsel, by referring to Annexure -P/19 of the writ application, submitted during the hearing that a report was sent to the District Programme Officer, Department of Education, Establishment, Muzaffarpur by the Superintendent of Police, Vigilance Bureau of Investigation, Bihar, Patna, vide letter dated 10.09.2024. This report dated 10.09.2024, allegedly stated that the TET certificates with respect to these petitioners had been found to be correct, and based on this report, the petitioners claimed their salary. However, this report was controverted by the learned counsel representing the BSEB. As a result, this Court had to direct the Vigilance Bureau of Investigation to be made a party respondent in this case to give a response to Annexure - P/19.



6. The Vigilance Bureau of Investigation, having been impleaded as a party, apprised the Court that, upon investigation, it was found that the TET certificates were not issued by the BSEB, and, finding those materials placed by the petitioners to be forged, unilaterally, the Vigilance Bureau of Investigation also registered First Information Reports, being Paroo P.S. Case No. 581 of 2025 and Paroo P.S. Case No. 582 of 2025, both dated 12.11.2025. But very surprisingly, they have not doubted the issuance of the letter dated 10.09.2024 (Annexure-P/19) from the office of the Vigilance Bureau of Investigation. In response to the Court's orders dated 23.09.2025 and 15.12.2025, the Vigilance Bureau categorically submitted that the First Information Reports were lodged based on materials fetched from the BSEB; and, therefore, no personal hearing or any procedure known to service jurisprudence was adopted before registering the FIRs. The Vigilance Bureau of Investigation further stated that this aspect of the material can be taken care of by the appointing authority, and the report regarding the forged documents, along with the lodged FIRs, has already been sent to the appointing authority.



7. At this stage, learned counsel for the respondent-State submitted that the principles of natural justice known to service jurisprudence, shall be adhered to before passing any punitive order in relation to their service by the appointing authority. The petitioners may be directed to appear before the concerned respondents with all supportive materials to controvert/ defend the findings of the Vigilance Bureau of Investigation and the BSEB, based on which, the authenticity of the TET certificate has been doubted and the respective FIRs have been instituted.

8. Learned counsel for the Vigilance Bureau of Investigation submitted that although the FIR was lodged at their instance but the same has been forwarded to the local District Police for investigation. Therefore, proper directions may be issued to the District Police.

9. In view of the above, the State is directed to intimate the concerned police authorities not to proceed with the FIR till submission of the final adjudication report, which shall be made by the appointing authority by resorting to the procedures of CCA Rules, 2005 with regard to the petitioners' alleged misconduct over the reports sent by the Vigilance Bureau of Investigation to the appointing authority holding



them guilty of having produced, such certificates to secure the appointment in question, where the Vigilance Bureau of Investigation has subsequently found the certificates to be forged, and has lodged separate FIRs against both the petitioners. In so far, as the main relief of the petitioners regarding the payment of salary is concerned, it is expected that if there is nothing contrary against the petitioners on records, which suggests they were not discharging their duties during these period, except the imputation of having secured the appointment on the basis of a forged certificate, which is still to be adjudicated by them by passing a reasoned and speaking order, the salary is required to be paid, without any inordinate delay.

10. This Court, vide order dated 14.10.2025, had already made it very clear that if the petitioners have been discharging the duties of the post on which they were appointed and the records suggest that they have imparted education to the children, for which their appointment was initially made, and there are no other glaring and valid reasons for denying salary to the petitioners. The salary shall be paid to the petitioners after verifying the duties discharged by referring to the records of the case. On



verification, if it is found that they have discharged duties, the salary shall be disbursed in favor of the petitioners, strictly in consonance with the dictum of the Hon'ble Apex Court in the case of *Man Singh v. The State of Uttar Pradesh through Secretary & Others, (2022) SCC OnLine SC 726*, wherein it was held that even if the appointment was irregular, the appellant had discharged the duties and had to be paid in lieu of those duties, as the State cannot take work from any employee without payment of salary without any inordinate delay.

11. Accordingly, Petitioner No. 1 is directed to appear before Respondent No. 11 and Petitioner No. 2 is directed to appear before Respondent No. 12 along with all relevant documents for the redressal of their grievances within a period of four weeks from today. Upon the appearance of the petitioners, the concerned respondents are expected to supply all relevant reports germane to the disputed issues to the petitioners for filing their respective responses. After considering their responses and providing them a full opportunity of hearing, a final order shall be passed concerning the payment of salaries and as also regarding the certificates found to be forged by the



Vigilance Bureau of Investigation. On conclusion of the entire proceedings, the final order passed by the appointing authority, which shall be forwarded to the Vigilance Bureau of Investigation, and as also the local police, to take further actions pursuant to the FIR lodged against the petitioners, which has been stayed for the period stipulated, to enable the appointing authority to adjudicate the issues in question.

12. The Respondent Nos. 11 and 12 are directed to carry out the entire exercise within a period of two months from the date submission of the representation by the petitioners. Till then, no further precipitative action shall be taken by the local police in the two FIRs, which have been lodged by the Vigilance Bureau of Investigation.

13. It is made clear that, in order to facilitate the appointing authorities (Respondent Nos. 11 and 12), the District Education Officer, Muzaffarpur is directed to provide all necessary documents, has been received from the Vigilance Department and the BSEB to the respective appointing authorities before Respondent Nos.11 and 12, so that the necessary exercise, as directed can be carried out within the stipulated time.

14. With the aforesaid observations and directions,



the instant writ application stands disposed of.

15. Pending Interlocutory Applications, if any, shall
also stand disposed of.

(Ajit Kumar, J)

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