

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10706 of 2025

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Kumari Gita Singh Wife of Sri Randhir Yadav Resident of Village-Gangapur,
P.O. Damodarpur, P.S. Shahpur in the District of Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Primary Education, Government of Bihar, Patna.
2. The District Magistrate, Bhojpur.
3. The District Education Officer, Bhojpur.
4. The District Programme Officer, Bhojpur.
5. The Block Education Officer at Sahpur, Bhojpur.
6. The Director, Primary Education, Department of Primary Education, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gopal Krishna, Advocate
For the Respondent/s	:	Mr. Manoj Kumar Ambastha, SC (26)
		Mr. Divit Vinod, AC to SC 26

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 08-07-2025

Heard Mr. Gopal Krishna, learned counsel appearing on behalf of the petitioner and Mr. Manoj Kumar Ambastha, learned SC (26), along with Mr. Divit Vinod, learned AC to SC 26 for the State.

2. The petitioner in paragraph no. 1 of the present writ petition has sought, *inter alia*, the following relief(s), which is reproduced hereinafter:-

“1. That through the present writ application, the petitioner has challenged the Letter No. 3105 (Estab) dated 24.04.2025 issued under the signature of D.P.O. (Estab) (District Programme Officer, Education), Bhojpur at Arrah whereby and whereunder she has been directed to be removed from her post of a Panchayat Teacher posted at Primary School, Marchaiya



under Gram Panchayat of Lalu Ke Dera, and block Shahpur in the district of Bhojpur. Her entire remuneration, too, has been directed to be recovered in the view of the ALLEGATION of getting the above mentioned post by way of producing a fake and manipulated testimonial of her Intermediate marksheet issued by the Board of High School and Intermediate Education, Uttar Pradesh; the petitioner, further, SEEKS an immediate STAY of the above said Letter No. 3105 dated 24.04.2025 during the pendency of the writ petition, and thereafter, the instant letter be set aside after the responses of the respondents, in view of ARBITRARINESS, INCONSISTENCY, INFIRMITY and ILLEGALITY committed by the respondents, vide the Letter No. 3105 (Estab) dated 24.04.2025 by D.P.O. (Education), Bhojpur as an Annexure to this application.”

3. Learned counsel appearing on behalf of petitioner submits that the petitioner is aggrieved by the action of the Headmaster, Primary School, Marchaiya under Gram Panchayat, Lalu Ke Dera, Block- Shahpur, District- Bhojpur, who has stopped her from attending the school and her salary has been stopped by the authorized clerk in light of communication made by the District Programme Officer, Establishment, Bhojpur to the Panchayat Sachiv of the Appointment Unit, Gram Panchayat, Lalu Ke Dera, Block- Shahpur, District- Bhojpur, alleging therein that the petitioner was appointed on the post of panchayat teacher by way of producing a fake and manipulated testimonial of her Intermediate mark-sheet issued by the Board of High School and Intermediate Education, Uttar Pradesh. Petitioner admits that the order contained in Letter no.3105 (Establishment) dated



25.04.2025 (Annexure P/1) was only communicated to the Panchayat Sachiv and its copy was communicated to the Headmaster, authorized clerk, Block Development Officer, Block Education Officer concerned and Police In-charge – cum – Assistant Inquiry Officer, Bhojpur, Vigilance Investigation Bureau, Patna, Bihar. Based on such communication, penal action taken against the petitioner by the Headmaster of the school without issuing any show cause and without providing her minimum opportunity to explain is against the principal of natural justice. Learned counsel further submitted that the petitioner has already been granted anticipatory bail in the vigilance case.

4. The rule of natural justice requires the gist of accusation to be communicated to the affected parties and in the present case, it has been contended on behalf of the petitioner that the same has not been given to the petitioner and orally the Headmaster of the school had proceeded to restrain the petitioner from attending the school, as a consequence of which, the petitioner's salary has also been stopped in absence of absentee sent to the concerned District Education Officer.

5. The petitioner, being aggrieved, has filed the present writ petition and to show her genuineness, the petitioner



has brought on record her certificate no. 1436521, issued by the Board of High School and Intermediate Education, Uttar Pradesh, in respect of intermediate examination, held in the year 2006, in which the petitioner stood successful by obtaining first division. The petitioner has given information that the date of publication of the result of intermediate examination is 09.06.2006 and she was appointed on 06.12.2006 on the post of Panchayat teacher. The original certificate, which the petitioner has relied on, has been brought on record by way of Annexure P/ 2 series. The petitioner has obtained a copy of certificate (Annexure P/5), which was collected by the Investigation Bureau and in course of investigation and comparing the said certificate with the original certificate (Annexure P/2 series), it was found that the marks allegedly obtained by the petitioner is 366 out of total 500 marks and she passed in first division, whereas, the mark-sheet, which the petitioner claims that she had produced at the time of her selection, which was also issued on 09.06.2006, shows that she had obtained 304 marks out of total 500 marks. It is a well settled principal of law that in case of disputed question of fact, as it would appear from the certificates, which have been brought on record in the present writ petition, this Court is constrained to examine the



genuineness of the same and to hold that the information given by the petitioner that the certificate issued on 09.06.2006 by the Board of High School and Intermediate Education, Uttar Pradesh, held in the year 2006, bearing certificate number 1436521, was furnished by her on the date of counseling.

6. This Court finds that before such verification is done by the Investigation Bureau in light of communication made by the District Programme Officer, Establishment, Bhojpur, the action of the Headmaster of the school, insofar as restraining the petitioner from attending the school without issuing any show cause and containing any gist of accusation, can be held to be without jurisdiction. The action of the headmaster and the clerk of the school insofar as restraining the petitioner is against the service conditions rules. The Headmaster of the school, who is not the disciplinary authority, has acted without authority of law, is directed to allow the petitioner to attend the school, and not stop her in performing her duty in anticipation and disciplinary action to be taken against her in future.

7. The action of the District Programme Officer, Establishment, Bhojpur insofar as directing the Headmaster to restrain the petitioner *vide* memo No.3105 dated 25.05.2025 to



attend the school, is also without jurisdiction, in want of disciplinary proceeding/action taken against the petitioner.

8. Accordingly, the present writ petition stands disposed of.

(Purnendu Singh, J)

Ashishsingh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.07.2025
Transmission Date	NA

