

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.645 of 2025
In
Civil Writ Jurisdiction Case No.3502 of 2025

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Smt. Nilam Singh Wife of Amrendra Bhushan Singh, Resident of Road No.1,
Kachichi Talab, Gardanibagh, Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
3. The Director (Primary Education), Department of Education, Government of Bihar, Patna.
4. The Deputy Director (Primary Education), Department of Education, Government of Bihar, Patna.
5. The Divisional Commissioner, Patna.
6. The District Magistrate, Patna.
7. The District Education Officer, Patna.
8. The District Programme Officer-cum-Member Secretary, Approval Committee, Patna.
9. The Additional District Magistrate-cum-District Public Girevance Redressal Officer, Patna.
10. St. Paul International School, Kacchi Talab, Gardanibagh, Patna through its director namely Danish Abdin, Male, aged about 33 years, Son of Shri Sarwar Abdin, Resident of Sanichara Road, Sandalpur, Mahendru, Patna, Bihar- 800006.
11. Amrendra Bhushan Singh Son of not know, Resident of Road No. 1, Kachichi Talab, Gardanibagh, Patna-800001.

... .. Respondent/s

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with
Letters Patent Appeal No. 647 of 2025
In
Civil Writ Jurisdiction Case No.3502 of 2025

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1. The State of Bihar through the Additional Chief Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Department of Education, Govt. of Bihar, Patna.



- 3. The Director, Primary Education, Department of Education, Govt. of Bihar, Patna.
- 4. The Deputy Director Primary Education, Department of Education, Govt. of Bihar, Patna.
- 5. The Divisional Commissioner, Patna.
- 6. The District Magistrate, Patna.
- 7. The District Education Officer, Patna.
- 8. The District Program Officer-Cum -Member Secretary, Approval Committee, Patna.
- 9. The Additional District Magistrate cum District Public Grievance Redressal Officer, Patna.

... .. Appellant/s

Versus

- 1. Amarendra Bhushan Singh Son of not Known Resident of Road No.- 1, Kachichi Talab, Gardanibagh, Patna- 800001.
- 2. St. Paul International School, Kacchi Talab, Gardanibagh, Patna through its Director namely Danish Abdin male aged about 33 years son of Shri Sarwar Abdin, resident of Sanichara Road, Sandalpur, Mahendru Patna, Bihar - 800006.

... .. Respondent/s

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Appearance :

(In Letters Patent Appeal No. 645 of 2025)

For the Appellant/s : Mr. Abhinav Shrivastava, Sr. Advocate
Mr. Sanjiv Kumar, Advocate

For the State : Mr. P.K. Shahi, AG
Mr. Ajay, GA 5
Mr. Pratik Kumar Sinha, Advocate

For the Resp. No.10 : Mr. Bindhyachal Singh, Sr. Advocate
(In Letters Patent Appeal No. 647 of 2025)

For the Appellant/s : Mr. P.K. Shahi, AG
Mr. Ajay, GA 5

For the Resp. No. 1 : Mr. Abhinav Shrivastava, Sr. Advocate
Smt. Nivedita Chaudhary, Advocate

For the Resp. No. 2 : Mr. Bindhyachal Singh, Sr. Advocate
Mr. Ajay Kumar Singh, Advocate
Mr. Pawan Kumar Singh, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

CAV JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA)



Date : 10-12-2025

Both the appeals arise from the same order, so both the appeals will be heard together and a common order/judgment will be passed for the same.

2. Heard Mr. Abhinav Shrivastava, learned senior counsel for the appellant in LPA No. 645 of 2025 and Mr. P.K. Shahi, learned Advocate General for the appellants in LPA No. 647 of 2025 and Mr. Bindhyachal Singh, learned senior counsel appearing on behalf of the Respondent No. 10 in LPA No. 645 of 2025 and Respondent No. 2 in LPA No. 647 of 2025.

I.A No. 01 of 2025 (L.P.A. No. 645 of 2025)

3. The present interlocutory application has been filed under Section 151 of Code of Civil Procedure, seeking leave of this Court to file the present memo of appeal.

4. For the reasons stated in the interlocutory application, I.A. No. 01 of 2025 is allowed.

L.P.A No. 645 of 2025

5. The present appeal has been filed by the appellant assailing the interim order dated 19.06.2025 passed in CWJC No. 3502 of 2025 whereby the Hon'ble Single Judge has directed the Respondent No. 8 (The District Programme Officer-cum-Member Secretary, Approval Committee, Patna) to unseal



the school premises on or before 25.06.2025 without considering the core issue of fraud, forgery and lack of maintainability of the writ petition.

6. Learned counsel for the appellant submits that the appellant (Smt. Nilam Singh) is owner of the premises/building whose forged signature formed the basis of the alleged lease deed and she was not made party in the writ proceeding. In view of the aforesaid, the writ petition was not maintainable. He further submits that the respondent no. 10/writ petitioner has challenged the cancellation of the recognition which itself was based on the finding of forgery of the very lease deed said to be executed with the appellant. He further submits that the entire proceeding is a clear violation of principle of natural justice, rendering the entire proceeding defective due to which the appellant has been compelled to file the present appeal.

7. The respondent no. 10/writ petitioner claims to be operating the school under the name of “St. Paul International School” to be run by a society registered under the Societies Registration Act, 1960, situated at Kacchi Talab, Gardanibagh, Patna. According to the averments made in the writ petition, the school is being run in a rented premises belonging to the appellant who happens to be the wife of Shri Amarendra



Bhushan Singh who has been made Respondent No. 10 in the writ petition.

8. Learned counsel for the appellant submits that after the enforcement of the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as 'R.T.E Act') which came into effect on 01.04.2010, all existing schools were required to obtain recognition/approval from the competent authority. The State Government of Bihar accordingly framed rules prescribed for necessary conditions and documents which are sought for such recognition. The respondent no. 10/writ petitioner applied for recognition on the basis of its claim that he was running the said school in the appellant's premises. In support of his claim, it has been submitted that the alleged lease deed is said to have been executed between the Director, Mr. Danish Abedin and the appellant (Annexure-1 of the writ petition). Learned counsel for the appellant submits that from perusal of the Annexure-1 of the writ petition it becomes clear that although the lease purports to be of 14 years commencing from 05.05.2018, but the same is unregistered and does not bear the appellant's signature on any of the pages except the last one which itself suggest that the lease document is forged. Relying on this forged lease



document, the District Education Officer, Patna had granted recognition to the school in question.

9. Learned counsel for the appellant submits that the entire case of the respondent no. 10/writ petitioner is based on a so called lease deed dated 05.05.2018, which was executed for 14 years between the appellant and the writ petitioner. He further submits that in fact, the said lease deed was never executed between the parties and from perusal of the document which is annexed as Annexure-1 to the writ petition shows that it is unregistered despite being sworn as a 14 years lease deed and it does not contain the appellant's signature on all pages. Even the signature appearing on the last page is forged which became evident when it was compared with the appellant's admitted signature on her Passport, PAN Card, bank documents and other official records. He further submits that it appears from the aforesaid that the lease deed (Annexure-1 of the writ petition) is nothing but a forged and fabricated document created by the respondent no. 10/writ petitioner to falsely claim authority over the premises. He further submits that the said lease is unregistered and the law does not permit an unregistered lease deed for a tenure of 14 years to be used as a legal document.



10. Learned counsel for the appellant submits that in the aforesaid background, the appellant submitted a complaint before the respondent authority stating therein that the school was being run in an old and unsafe building of more than 80 years which makes it hazardous for young children. It has been further brought to the notice of the authority that the respondent no. 10/writ petitioner was also conducting illegal coaching classes for senior students in the same premises. Acting upon the appellant's complaint, the District Education Officer, Patna conducted a spot inspection and issued notice to the respondent no. 10/writ petitioner who falsely claim that the said school was functioning on a lease dated 05.05.2018 which is for 14 years. Upon receipt of the reply submitted by the respondent no. 10/writ petitioner, the District Education Officer, Patna has sought for appellant's response and after affording due opportunity of hearing to both the sides, the District Education Officer, Patna conducted an enquiry through a 3 member committee, which found that the document on which the respondent no. 10/writ petitioner is relying is unregistered and unsigned on all pages and has contained a forged signature of the appellant on the last page. In the report submitted to the State Government, it is further stated that the petitioner had



submitted an application for approval of the school under the R.T.E Act on e-samadhan portal.

11. Learned counsel for the appellant submits that on the basis of these findings the State Government considered the entire materials and approved the proposal for cancellation of the school's recognition and directed that no fresh admission be taken for the academic session 2025-26 and the existing students be shifted to a nearby recognized school. Accordingly, the District Programme Officer issued the order dated 26.12.2024 (Annexure- P/11 of the writ petition). The respondent no. 10/writ petitioner thereafter, approached the Commissioner, Patna Division by filing an application under the Public Grievance Redressal Act but the public grievance authority declined to grant any relief in view of the order passed by the State Government. He further submits that despite the clear order of the State Government restraining fresh admission and withdrawal of the school's recognition, the respondent no. 10/writ petitioner continued to run the school in complete defiance of the order of the State Government. When the District Education Officer inspected the premises, he found that the school is still functioning illegally and thereafter, submitted a report to the State Government upon which the directions were



issued to seal the premises to prevent the respondent no. 10/writ petitioner from further doing unauthorized operation. Accordingly, the school was sealed by the respondent authority in the presence of Magistrate. The respondent no. 10/writ petitioner has filed CWJC No. 3502 of 2025 and challenged the order dated 26.12.2024 which was issued by the District Programme Officer (Annexure- P/11 of the writ petition) by which the recognition of the school in question was cancelled as well as the order of the Commissioner, Patna Division, who had refused to interfere with the said cancellation. The allegation of forgery directly related to the appellant and the alleged lease deed was sworn to have been executed with the appellant, the respondent no. 10/writ petitioner did not implead the appellant as a party respondent. The husband of the appellant who has been made Respondent No. 10 in the writ proceeding has filed a counter affidavit clearly stating therein that the Annexure-1 of the writ petition the purported lease deed is a forged and fabricated document. The Respondent No. 10 (husband of the appellant) had filed an I.A. No. 1 seeking initiation of proceeding under Section 379 of the B.N.S.S, 2023 for the use of forged document before the Court. He also brought to the notice of this Court that the respondent no. 10/writ petitioner



had already instituted a Title Suit No. 472 of 2024 and an employee of the school, namely, Smt. Bhavana Priya had also filed Title Suit No. 407 of 2024 both concerning the same school in question.

12. The learned counsel for the appellant submits that the Respondent No. 10 in the writ petition who happens to be the husband of the appellant had stated before the writ Court that the respondent no. 10/writ petitioner operates another school, namely, Red Carpet where several irregularities have also been committed and he has filed the I.A. No. 01 of 2025 in the writ proceeding seeking initiation of criminal proceeding under Section 379 of the B.N.S.S, 2023 against the respondent no. 10/writ petitioner for submitting a forged lease deed before the Hon'ble Court. He further submits that during pendency of the aforesaid writ, the respondent no. 10/writ petitioner has filed an I.A. No. 02 of 2025, seeking direction to unseal the premises. The Hon'ble Single Judge without examining any of the aspect as discussed above briefly including the finding of the 3 members committee's inquiry regarding forged and unregistered lease deed, was pleased to hold that there is no provision under the R.T.E Act for sealing the premises and accordingly, directed the respondent authority to unseal the same. He further submits



that from bare perusal of the record of CWJC No. 3502 of 2025, it appears that the Hon'ble Single Judge without allowing the I.A. No. 02 of 2025 has been pleased to direct the respondent authority to unseal the school. The order obtained on the basis of forged and fabricated document is a nullity in the eye of law and the Hon'ble Single Judge without appreciating the relevant facts and legal issues has directed the authority concerned to unseal the premises which suggests that by the interim order dated 19.06.2025, the writ petition has been allowed by the Hon'ble Single Judge.

L.P.A No. 647 of 2025

13. Mr. P.K. Shahi, learned Advocate General appearing on behalf of the appellants submits that the cardinal principle of law is that the writ jurisdiction is discretionary power. Discretionary writ jurisdiction may not be emphasized if the reliefs sought for is based on fraudulent conduct of the litigant invoking remedy under writ jurisdiction. He further relied upon the paragraph no. 6 of the judgment of Hon'ble Apex Court in the case of **Kusha Duruka Vs. State of Odisha** reported in **(2024) 4 SCC 432** which is quoted hereinbelow:-

6. It was held in the judgments referred to above that one of the two cherished basic values by Indian society for centuries is "satya" (truth) and the same has been put under the carpet by the petitioner. Truth



constituted an integral part of the justice-delivery system in the pre-Independence era, however, post-Independence period has seen drastic changes in our value system. The materialism has overshadowed the old ethos and the quest for personal gain has become so intense that those involved in litigation do not hesitate to take shelter of falsehood, misrepresentation and suppression of facts in the court proceedings. In the last 40 years, the values have gone down and now litigants can go to any extent to mislead the court. They have no respect for the truth. The principle has been evolved to meet the challenges posed by this new breed of litigants. Now it is well settled that a litigant, who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands, is not entitled to any relief, interim or final. Suppression of material facts from the court of law, is actually playing fraud with the court. The maxim suppressio veri, expressio falsi i.e. suppression of the truth is equivalent to the expression of falsehood, gets attracted. It is nothing but degradation of moral values in the society, may be because of our education system. Now we are more happy to hear anything except truth; read anything except truth; speak anything except truth and believe anything except truth. Someone rightly said that: "Lies are very sweet, while truth is bitter, that's why most people prefer telling lies."

14. Learned counsel for the appellants submits that the undisputed facts of the case would reveal the entire foundation of the facts on the basis of which relief is claimed by the writ petitioner is based on falsehood and manipulations. The respondent no. 2/writ petitioner operated the school in the name



and style of St. Paul International School. The school in question is claimed to be operated by a society registered under the Societies Registration Act, 1860. The respondent no. 2/writ petitioner made an application seeking recognition to the school claimed to be operated in a rental premises and in support thereof, an agreement executed between the school through its Director, namely, Dr. Danish Abedin and Smt. Nilam Singh (appellant in L.P.A. No. 645 of 2025). He further submits that it is apparent on perusal of the alleged lease deed that though it claimed to be for a period of 14 years commencing from 05.05.2018 but the same is unregistered. It does not bear the signature of the lessor on any of the pages except the last page of the so called lease deed. On the basis of application made by the petitioner and on the strength of the said lease deed, permission was accorded by the District Education Officer, Patna. A complaint was made to the State Government and District Education Officer, Patna alleging therein that the school in question is running in a building which is more than 80 years old and it is unsafe to allow the operation of a school in a building and the same is hazardous for the young children. The complainant also claimed that the school is indulged in illegal activity by conducting the coaching classes for students of



higher classes. The State Government directed to inquire the same by D.E.O., Patna and a report was to be submitted thereon. The District Education Officer, Patna conducted a spot inspection of the building and also issued notice to the respondent no. 2/writ petitioner. In response to the notice issued to the respondent no. 2/writ petitioner, the representative appeared before the D.E.O., Patna and submitted response and also claimed that the school is operating in a rental premises for which a lease deed was executed by Smt. Nilam Singh on 05.05.2018 for a period of 14 years. The lease deed was submitted for scrutiny and the District Education Officer called upon Smt. Nilam Singh to submit her response to the reply submitted by the respondent no. 2/writ petitioner. Smt. Nilam Singh and her husband i.e., Respondent No. 10 in the writ petition submitted their response stating therein that the lease deed was a forged document. Smt. Nilam Singh also submitted her admitted signature which was on various government records like Passport, PAN Card, Bank documents etc. After awarding opportunity to both the parties, a 3 member committee of officers conducted inquiry and the District Education Officer, Patna submitted a report to the State Government. In the said report it was stated that the respondent no. 2/writ petitioner has



submitted an application for approval of the school under the R.T.E Act on e-samadhan portal and the approval was granted on the same portal issued by the office of District Education Officer, Patna.

15. Learned counsel for the appellants submits that when the building was in a dilapidated condition then why should be there a lease for 14 years? It appears from the lease deed that the said lease deed does not bear the signature of lessor on every page and it further appears that on comparison of signature of Smt. Nilam Singh on the said lease deed from her admitted signature on official documents that the signature of Smt. Nilam Singh has been forged. Accordingly, a recommendation was made for cancellation of approval granted to the school in question. The State Government after considering all the materials as mentioned aforesaid, approved the proposal to cancel the approval of the school in question. Accordingly, the direction was issued to the District Education Officer, Patna to cancel the registration and further direction was issued that no admission shall be taken for academic session 2025-26. It was further directed that students who are already admitted will be shifted to nearby school. Pursuant to the order of the State Government, the order impugned in the



writ petition issued by the District Programme Officer (Estd.).

16. After issuing of the aforesaid order, the respondent no. 2/writ petitioner filed application before the Commissioner, Patna Division, Patna under Public Grievance Redressal Act questioning the order contained in Annexure-P/11 of the writ petition. The Public Grievance Authority declined to grant any relief to the respondent no. 2/writ petitioner in view of the order passed by the State Government as communicated by the District Programme Officer (Estd.). He further submits that notwithstanding the directions restraining the admission of children and withdrawal of registration, we find that the petitioner continues in the operation of school. The District Education Officer inspected the school and found it to be in operation and accordingly submitted a report to the State Government, who directed to seal the school in question and accordingly the school was sealed by the authority concerned. In the meantime, the respondent no. 2/writ petitioner has filed a writ application challenging the order dated 26.12.2024 (Annexure-P/11 of the writ petition) by which the registration of school in question was cancelled. Apart from the aforesaid, the respondent no. 2/writ petitioner has also challenged the order passed by the Commissioner, Patna Division, who declined to



interfere with the order contained in Annexure-P/11 of the writ petition.

17. Learned counsel for the appellants submits that interestingly the respondent no. 2/writ petitioner did not implead Smt. Nilam Singh as a party respondent and she is lessor of the so called lease agreement. Although husband of Smt. Nilam Singh was made as Respondent No.10 in the writ proceeding and he entered appearance and filed a counter affidavit stating therein that Annexure-1 (lease agreement) is a forged document. He has also filed Interlocutory Application praying for initiation of proceeding under Section 379 of BNSS, 2023. The Respondent No. 10 has also stated in the counter affidavit that the respondent no. 2/writ petitioner has filed a Title Suit No. 472 of 2024 which is pending before the competent Civil Court and an employee of the said school, namely, Smt. Bhavana Priya has also filed a Title Suit No. 407 of 2024 claiming herself to be the tenant of the school premises in question. A counter affidavit has been filed on behalf of the respondent nos. 7 and 8 wherein an exclusive reply has been submitted leading to cancellation of registration of school in question. During the pendency of the CWJC No. 3502 of 2025, the respondent no. 2/writ petitioner has filed an Interlocutory Application in the writ proceeding



bearing I.A. No. 02 of 2025 seeking direction to unseal the premises. He further submits that the learned writ Court without even examining any of the aspect as discussed above in brief, held that there is no provision for sealing of the premises under RTE, Act and accordingly issued a direction for unsealing the same.

18. Learned counsel for the appellants submits that in pursuance of the order of the learned Single Judge directing to unseal the premises, the respondent No. 2/writ petitioner had made a representation, *inter alia* to the Governor of Bihar. Needless to say, the Governor of Bihar had no jurisdiction and submits that the matter of law in the present set of appeals are not connected with any functioning of the Governor of State, despite of that a letter was issued by the Office of the Governor to the District Administration for compliance of the order dated 19.06.2025 passed in CWJC No. 3502 of 2025. He further submits that in response to the said letter, the District Education Officer sent a reply to the Governor's office stating that the State Government has preferred the present LPA No. 647 of 2025 before the Hon'ble High Court. Despite issuance of order by the Hon'ble Court which was known to the writ petitioner, he again manipulated the order from an unauthorized person in the name



of S.D.O, Patna Sadar and got Magistrate deputed to unseal the premises. In the affidavit filed by the District Education Officer, Patna it is clearly stated that the letter deputing the Magistrate was not signed by the S.D.O, Patna Sadar. The District Magistrate in his communication addressed to the Advocate General has clearly stated that the letter bears the signature of only in-charge clerk and it does not bear the signature of the Sub-Divisional Officer, Patna Sadar (Annexure-R/1 of the supplementary affidavit filed on behalf of the appellant no. 6).

19. Learned counsel for the appellants submits that it is evident from the aforesaid that the respondent No.2/writ petitioner has obtained the registration/approval on the strength of the forged lease deed and apart from the document being forged, it is an unregistered lease deed for a period of 14 years and it does not have any legal sanctity. The respondent No.2/writ petitioner indulged in fraudulent practice by getting an order issued by the in-charge clerk and not by the authorized officer i.e. S.D.O, Patna Sadar.

20. Learned counsel for the respondent no. 10/writ petitioner in LPA No. 645 of 2025 and respondent no. 2/writ petitioner in LPA No. 647 of 2025 submits that initially the respondent no.10/respondent no. 2/writ petitioner has filed the



writ petition seeking quashing of the order no. 4429 dated 26.12.2024 (Annexure- P/11 of the writ petition) issued by the District Programme Officer, Patna cancelling the approval granted to respondent no.10/respondent no. 2/writ petitioner under the Act and also for quashing of orders dated 14.12.2024 and 13.02.2025. He further submits that while the writ petition was pending, an I.A. No. 03 of 2025 has been filed by the respondent no.10/respondent no. 2/writ petitioner seeking amendment in the relief portion to challenge the order no. 2295 dated 10.06.2025 by the District Programme Officer, Patna whereby the respondent no.10/respondent no. 2/writ petitioner was called upon to vacate the building premises of the school in question and transfer the children/students from the said school to the nearby school and submit a report of compliance thereof, failing which, appropriate action would be taken against him. The respondent no.10/respondent no. 2/writ petitioner had filed I.A. No. 02 of 2025 seeking for a direction upon the Respondent Nos. 6 to 9 in the writ petition for unsealing of the school premises which was sealed without any such authority of law. The respondent no. 10 of the writ petition had submitted a complaint in the office of Director of Secondary Education, Government of Bihar alleging therein that the school in question



was unauthorized/unregistered and the coaching in the said school in the name and style of St. Paul International School was being operated in an old building which can cause fear of any mishap due to its poor condition. He further submits that the Hon'ble Writ Court after hearing the parties had come to the conclusion that there is no provision under the R.T.E Act to unseal the premises of the school in question. As far as the title suit which is pending for consideration before the competent Court of law is concerned, the reliefs prayed in the said Title Suit no. 472 of 2024 are totally different and does not involve the illegal action of the respondent-District Education Authority in sealing of the premises under Section 18 of the Act. The said action of the respondents had nothing to do with the title suit which was filed against the owner of the premises in apprehension of eviction from the premises due to tenancy dispute. The action of the District Programme Officer, Patna directing the respondent no.10/respondent no. 2/writ petitioner to vacate the school premises was consequential to the cancellation of the approval/recognition and therefore, need a different and new cause of action. The main issue raised in the writ petition is with regard to the correctness and subsequent to the order of cancellation of approval/recognition passed by the



District Education Authority on the basis of the decision regarding genuineness of the signature of Smt. Nilam Singh on the lease deed agreement dated 05.05.2018 which is absolutely without jurisdiction in terms of Section 18 of the Act. The principal issue involved in the writ petition was as to whether the District Education Authority could have exercised jurisdiction of Civil Court to decide the dispute of forgery with regard to the signature on the lease agreement which is a question of law relating to the exercise of powers. And in the present case, the learned counsel for the appellants argued that the Court may consider directing for an enquiry and institution of a criminal proceeding against the writ petitioner who practice fraud.

21. Learned counsel for the State relied upon the paragraph no. 23 of the judgment of the Hon'ble Supreme Court in the case of **Iqbal Singh Marwah & Anr. Vs. Meenakshi Marwah & Anr.** reported in **(2005) 4 SCC 370** which is quoted hereinbelow:-

"23. In view of the language used in Section 340 CrPC the court is not bound to make a complaint regarding commission of an offence referred to in Section 195(1)(b), as the section is conditioned by the words "court is of opinion that it is expedient in the interests of justice". This shows that such a course will be adopted only if the interest of justice requires and not in every case. Before



filing of the complaint, the court may hold a preliminary enquiry and record a finding to the effect that it is expedient in the interests of justice that enquiry should be made into any of the offences referred to in Section 195(1)(b). This expediency will normally be judged by the court by weighing not the magnitude of injury suffered by the person affected by such forgery or forged document, but having regard to the effect or impact, such commission of offence has upon administration of justice. It is possible that such forged document or forgery may cause a very serious or substantial injury to a person in the sense that it may deprive him of a very valuable property or status or the like, but such document may be just a piece of evidence produced or given in evidence in court, where voluminous evidence may have been adduced and the effect of such piece of evidence on the broad concept of administration of justice may be minimal. In such circumstances, the court may not consider it expedient in the interest of justice to make a complaint. The broad view of clause (b)(ii), as canvassed by learned counsel for the appellants, would render the victim of such forgery or forged document remediless. Any interpretation which leads to a situation where a victim of a crime is rendered remediless, has to be discarded."

22. We have heard learned counsel for the parties at length and we are of the considered opinion that it is apparent from the aforesaid submissions and the materials on record that the respondent no.10/respondent no. 2/writ petitioner obtained registration/approval on the strength of forged lease deed and apart from the document being forged, it is unregistered lease deed for a period of 14 years and does not have legal sanctity.



The settled preposition of law indicates that the stream of justice delivery system has to be kept insulated from the litigants who practice fraud. Such litigants are not even entitled for the grant of opportunity of hearing. The learned Writ Court ought to have first examine these aspects which were recorded before the learned Writ Court but it appears from the order dated 19.06.2025 that without even making any reference to the fact as discussed above, the learned Writ Court passed an order directing to unseal the premises in question. The learned Writ Court even observed that the title suit filed by the respondent no.10/respondent no. 2/writ petitioner is pending for consideration before the Civil Court and it was further pointed out that another title suit was filed by an employee which is also pending for consideration before the Civil Court. Despite of that the writ petition was entertained and the impugned order was passed.

23. The impugned order was passed without impleading the appellant (in LPA No. 645 of 2025) as a necessary party. The appellant (in LPA No. 645 of 2025) is the owner of the premises/building whose forged signature formed the basis of the alleged lease deed and by not making the appellant a party in the writ proceeding, the writ petition is not



maintainable. The respondent no.10/respondent no. 2/writ petitioner used forged documents and had already approached the competent Civil Court in Title Suit No. 472 of 2024. The direction to unseal the school in question was wrong and illegal as the school in question was violating the order dated 26.12.2024 (Annexure-P/11 of the writ petition).

24. If a forged document is used in the court proceeding, the Court may direct for an enquiry and institution of a criminal proceeding against the person who practice fraud. It appears from the interim order/impugned order which reflect that the learned Writ Court has allowed the writ petition without considering the facts as mentioned aforesaid and secondly, from bare perusal of the Section 18 the R.T.E Act which suggest that no school to be established without obtaining certificate of recognition. In the present case, the respondent authority after due consideration and after enquiry has found that the respondent no.10/respondent no. 2/writ petitioner has obtained the recognition of the school in question on the basis of forged lease deed agreement which is the subject matter of the Title Suit No. 472 of 2024. Apart from the aforesaid, the school in question was recognized on the basis of the aforesaid forged documents and the same is subject matter of the title suit and



even the respondent no.10/respondent no. 2/writ petitioner has not obtained any such order from the competent Civil Court in the aforesaid title suit. It appears from the Act that one of the condition for recognition of the school in question is that whether the school has a valid building/land? In the present case the building/land was the subject matter of the title suit which is pending before the competent Civil Court and the authority after knowing all the aforesaid facts has rightly cancelled the recognition of the school in question after giving opportunity of hearing to respondent no.10/respondent no. 2/writ petitioner. It also appears from the order of the S.D.O, Patna Sadar that the order was issued by the in-charge clerk and not by any authorized officer i.e. S.D.O which suggest that the respondent no.10/respondent no. 2/writ petitioner has obtained the letter of S.D.O, Patna Sadar on the strength of forged lease deed and manipulations in the order of the S.D.O, Patna Sadar.

25. In view of the above reasoning and the stated facts and circumstances, we find absolutely no reason to uphold the order dated 19.06.2025 passed in CWJC No. 3502 of 2025 of the learned Single Judge and we allow both the Letters Patent Appeals i.e. LPA No. 645 of 2025 and LPA No. 647 of 2025 and set aside the impugned order dated 19.06.2025 passed in CWJC



No. 3502 of 2025 and as a consequence, dismiss the writ petition i.e., CWJC No. 3502 of 2025.

26. It is made clear that the observations made and the findings given in this order shall not come in any way of the competent court while deciding the title suits, as referred above.

27. Pending application(s), if any, shall stand disposed of.

(Sudhir Singh, ACJ)

I agree

(Rajesh Kumar Verma, J)

Vanisha/-

AFR/NAFR	NAFR
CAV DATE	11.11.2025
Uploading Date	10.12.2025
Transmission Date	NA

