

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.287 of 2022

In
Civil Writ Jurisdiction Case No.15350 of 2019

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1. Rajesh Ram S/o Lakshman Ram Resident of Village Pakri, P.O. Rebasi, P.S. Rega, District Sitamarhi-843327, Posted as Panchayat Teacher, Gram Panchayat Raj, Akhtar Uttari, Primary School, Gosaipur, P.S. Suppi, District Sitamarhi.
 2. Anamika Sagar Son of Sri Ram Sagar Rai Resident of Village New Chandmari, P.S. Motihari, District East Champaran, Posted as Panchayat Teacher, Gram Panchayat Raj Akhtar Uttari, Primary School, Gosaipur, P.S. Suppi, District Sitamarhi.
 3. Vandana Kumari D/o Sri Birendra Prasad Sinha Resident of Village Gaushala Chowk, Bye Pass, Ward No.14, Chakmahila, P.S.-District Sitamarhi 843302, Posted as Panchayat Teacher, Gram Panchayat Raj Akhtar Uttari, Primary School, Gosaipur, P.S. Suppi, District Sitamarhi.
 4. Vinay Chandra Pankaj S/o Sri Narendra Kumar Jha Resident of Village-P.O. Chatwara, P.S. Mejarganj, District Sitamarhi, Posted as Panchayat Teacher, Gram Panchayat Raj Akhtar Uttari, Primary School, Gosaipur, P.S. Suppi, District Sitamarhi.
 5. Ritesh Kumar Resident of Village-P.O. Kodhiyar Madhepur, P.S. Bairganjya, District-Sitamarhi-8433151, Posted as Panchayat Teacher, Gram Panchayat Raj Akhtar Uttari, Primary School, Gosaipur, P.S. Suppi, District Sitamarhi.
 6. Kumari renu Kumari S/o Nathuni Sah Resident of Village-P.O. Gisara, P.S. Parsauni, District Sitamarhi, Posted as Panchayat Teacher, Gram Panchayat Raj Akhtar Uttari, Primary School, Malahi Tol, P.S. Suppi, District Sitamarhi.
 7. Hari Shankar Sharma Son of Sri Chandeo Sharma Resident of Village-P.O. rampur Parori Purvi, P.S. Dumra, District Sitamarhi, Posted as Panchayat Teacher, Gram Panchayat Raj Akhtar Uttari, Primary School, Malahi Tol, P.S. Suppi, District Sitamarhi.
 8. Raushan Kumar Pathak Son of Raghunath Pathak Resident of Ward no. 8 Village-P.O. Sosaula, P.S. Suppi, District Sitamarhi-843315, Posted as Panchayat Teacher, Gram Panchayat Raj Akhtar Uttari, Primary School, Kodhiyar, P.S. Suppi, District Sitamarhi.
 9. Pawan Gandhi S/o Rajnandan Gandhi, Resident of Village-P.O. Madhurapur, P.S. Bairganiya, District Sitamarhi-843315, Posted as Panchayat Teacher, Gram Panchayat Raj Akhtar Uttari, Primary School, Kodhiya P.S. Suppi, District Sitamarhi.
 10. Dilip Kumar Singh Son of Ram Vinay Kunwar Resident of Village-P.O. Shantinagar, Ward no.9, P.S. Dumra, District Sitamarhi, Posted as Panchayat Teacher, Gram Panchayat Raj Akhtar Uttari, Primary School, Kodhiyarm P.S. Suppi, District Sitamarhi.
 11. Md. Shahnwaz Anwar Son of Md. Islam Resident of Village Kachaharipur, P.O. Madhuwan Basta, P.S. Bajpatti, District Sitamarhi, Posted as Panchayat Teacher, Gram Panchayat Raj Akhtar Uttari, Primary School, Kodhiyar, P.S.



Suppi, District Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Sitamarhi.
3. The District Education Officer, Sitamarhi.
4. The Panchayat Secreary-Cum-Member, Panchayat Niyojan Unit Gram Panchayat Raj Akhtar, P.S. Suppi, District Sitamarhi.
5. The Headmaster, Govt. Primary School, Malahi Tol Akhta P.S. Suppi, District Sitamarhi.
6. The Headmaster, Govt. Primary School, Kodhiyar, P.S. Suppi, District Sitamarhi.
7. The Headmaster, Govt. Primary School, Gosaipur, P.S. Suppi, District Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Adv.
For the Opposite Party/s : Mr. Ram Vinay Pd. Singh, (Ga 12)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

11 24-07-2025 Heard Mr. Shashi Bhushan Kumar, learned counsel for
the petitioner and the State.

2. The present application has been preferred for the
following relief(s):

*for Review of the Judgment/order
dated 17.10.2022 passed in CWJC No. 15350
of 2019 (Rajesh Ram and ors VS The state of
Bihar and ors) by Hon'ble Mr. Justice Prakash
Sharma, one of the Hon'ble Judge of this
Hon'ble court by which the writ application
filed by the Petitioners has been dismissed.*

3. The writ petition was preferred for the following
relief(s):



(i) For issuance of writ in the nature of mandamus commanding and directing the Respondents authority to make payment of salary to the petitioners from 30.12.2010 to 29.3.2011 and thereafter since 21.6.2018 to till date as the petitioners still working but for the reason best known their salary has not been paid by the Respondents authority.

(ii) For further direction to the Respondents authority to dispose off the representation of the petitioners by reasoned and speaking order within time framed.

(iii) And for any other relief/reliefs for which the petitioners are found to be entitled in the eye of law.

4. The Writ Court vide an order dated **17.10.2022** in **CWJC No. 15350 of 2019 (Rajesh Ram and Ors. Vs the State of Bihar & Ors.)** dismissed the petition taking note of the fact that the appointment has been obtained by forgery.

5. The order dated 17.10.2022 read as follows:

Heard the parties.

2. The petitioners have come before this court praying for allowing them to pay salary as they are performing their duties as a Panchayat Teacher. However, this Court finds that the petitioners' appointment was cancelled and it was found that they were appointed on the basis of forged documents



and having committed forgery, their appointment was cancelled vide order dated 12.06.2019, wherein it was found that the earlier order of appointment dated 21.03.2017 issued under the signature of District Education Officer, Sitamarhi is a forged order. It was also noticed that the order dated 15.06.2018 whereby the petitioners have been allowed to work was also canceled by the District Education Officer. By another letter, Panchayat Secretary was directed to lodge an F.I.R. against all the 11 teachers at the local police station. Learned counsel submits that by another letter dated 26.09.2020, the earlier order of 19.06.2019 passed by the Secretary Panchayat has been canceled. However, the said order was handed over during the course of argument and is taken on record.

This court after carefully considering the order dated 26.09.2020 finds that the Panchayat Secretary appears to be taking different stands at different times. However, so far as the appointment of the petitioner and the order passed by the District Education Officer dated 12.06.2019, 18.06.2019 and 21.06.2019 placed on record as Annexures D, E & F have not been withdrawn. In view of specific position and stand taken by the Government namely the District Education Officer of appointment being obtained by forgery, the action of the



Secretary in canceling his order of 19.06.2019 will have no effect. The Secretary, Gram Panchayat Raj, Akhta, P.S. Suppi is directed to take steps as directed by the District Education Officer and initiate criminal proceedings against the teachers and retrain from allowing the teachers to perform duty on the basis thereto, no claim for pay and allowances is made out.

The writ petition is accordingly dismissed.

6. Aggrieved, the present review petition.

7. It is the submission on behalf of the petitioners that:

(i) pursuant to the advertisement, they applied;

(ii) the Counseling took place under the Gram Panchayat, Akhtar Uttari, Block Suppi, Sitamarhi;

(iii) they were finally selected following the preparation of merit list whereafter the Selection letters were issued.

8. However, ignoring these facts, the Writ Court passed the order which needs review.

9. This Court straightaway wanted the learned counsel for the petitioners to provide the statements/documents supporting the said contention inasmuch as:

(i) the advertisement;

(ii) their respective educational



certificates;

(iii) the counseling/merit list/selection list which ultimately led to the selection letters.

10. However, learned counsel despite repeated query, failed to show the said documents of any of the petitioners.

11. A perusal of the writ petition would show that the petitioners have deliberately skipped the details of the advertisement/certificates/counseling/merit list/selection list which ultimately led them to lay their claim justifying issuance of the selection letters. The petition straightway starts with the selection letters.

12. Paragraph 4 of the writ petition of the petitioners read as follows:

4. That the short leading facts of this case is that admittedly in view of the Advertisement for appointment on the post of Panchayat Teacher all these petitioners were appointed by the Panchayat Niyojan Samiti in its meeting considering eligibility and suitability of these petitioners and accordingly appointment letter was issued in the name of the petitioners under the signature of the Panchayat Secretary on 29.12.2010 by different letter number and was directed to join in different School.



13. Even in the review petition, they have not brought any of the aforesaid documents to show their bonafide. Upon further query, whether any such supporting document is in his file, the answer is in negative.

14. In the opinion of the Court, when the petitioners are not able to even provide their educational qualification to lay their claim nor the advertisement/merit list/meeting minutes etc, the Writ Court was fully justified in passing the order of dismissal of the writ petition.

15. Having heard the parties, this Court is of the firm view that the detailed order passed by the Writ Court needs no interference. The Review petition stands dismissed.

16. The status quo order granted earlier stands vacated.

(Rajiv Roy, J)

Vijay Singh/-

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