

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14089 of 2023

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Nandini Bharti, aged about 32 years (female) W/o Abhay Kumar Singh,
resident of Shaktinagar, in front of Hanuman Mandir, Bypass Road,
Dahiyawan Tola, P.S.-Chapra Town, District-Chapra (Saran), Bihar-841301.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Development Commissioner-cum-Chairman, Bihar Skill Development Mission Department of Labour Resources, Government of Bihar, A-wing, 5th Floor, Niyojan Bhawan, Patna-800001.
3. The Additional Chief Secretary, Department of Labour Resources, Government of Bihar, Patna.
4. The Additional Chief Executive Officer, Bihar Skill Development Mission Department of Labour Resources, Government of Bihar, A-wing, 5th Floor, Niyojan Bhawan, Patna-800001.
5. The Mission Director, Bihar Skill Development Mission Department of Labour Resources, Government of Bihar, A-wing, 5th Floor, Niyojan Bhawan, Patna-800001.
6. The District Magistrate, Saran.
7. The Mission Director, Bihar Skill Development Mission.
8. The Chief Executive Officer, Bihar Skill Development Mission, Saran.
9. Gulshan Kumar, aged about not known to the petitioner, son of Lal Prasad, resident of Kathari Bag, P.S.-Chapra Nagar, District-Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amritya Raj, Advocate.

For the Respondent/s : Mr. Raghwendra Kumar (SC 22).

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

8 29-01-2025 Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the
following reliefs:-

*“(i) For issuance of writ in the
nature of Certiorari for setting aside the
Letter No. 1071 dated 21.07.2023 by*



which the respondents have cancelled the registration of the computer centre namely New Code Centre Computer (hereinafter referred to as NCC) run by the petitioner in the capacity of its coordinator.

(ii) For issuance of writ in the nature of Mandamus for directing the respondents to conduct fresh and proper investigation in relation to allegation that has been alleged against the petitioner.

(iii) For issuance of writ in the nature of Mandamus directing the respondents to unblock the KYP Code issued for running the educational activities in the centre in question and let the petitioner continue the registration process of the students enrolled under the firm.

(iv) For holding that before blocking the centre code of the petitioner on 12.04.2023 no show cause was issued to the firm.

(v) For holding that the show cause contained in Annexure-3 of this writ petition was issued on 17.04.2023 was merely and eye wash as the centre was temporarily block prior to issuance of the show cause.

(vi) For holding that the action of the respondents to temporarily block the centre code is per-judgement of the issue which is violation of the principles of natural justice.

(vii) For holding that due to illegal acts of the Respondents the future of may students are at stake for no fault on their part.



(viii) For holding that the enquiry conducted by the respondents was bad in law as well as in fact.

(ix) For issuance of direction to the Authorities to unblock the KYP Code of the Firm.”

3. Learned counsel appearing on behalf of the petitioner has stated that the petitioner has been running the computer centre by the name and style of New Core Centre Computer (hereinafter referred to as ‘NCC’). That on a false complaint made by one of the students, namely, Rakesh Kumar, the authorities have instituted an enquiry against the functioning of the institute and the impugned order dated 21.07.2023 came to be passed. That by virtue of the impugned order the registration of the computer centre (NCC) run by the petitioner has been cancelled. Learned counsel has stated that the enquiry report which was submitted to the authority is based on a false, fake and fabricated video prepared by the said Rakesh Kumar along with some students of the academy. That the said Rakesh Kumar with a view to seek revenge has made the video only to defame the institute and the petitioner herein. That the enquiry report submitted to the authorities was done behind the back of the petitioner without following any procedure whatsoever. That there are no guidelines issued for conducting the enquiry and no procedure is followed by the authorities. That the order is passed



by the Additional Chief Executive Officer (ACEO) who is not competent to pass the said order but it is only the Chief Executive Officer (CEO) who is the competent authority. That the authorities without considering the show cause/explanation submitted by the petitioner have passed the impugned order without any application of mind. Learned counsel has also stated that the authority has not taken into consider the fact that the complainant (Rakesh Kumar) has himself admitted that only with a view to seek revenge he has created the fake and false video and made a false complaint against the petitioner herein. Learned counsel has, therefore, prayed this Hon'ble Court to allow the present writ petition.

4. A perusal of the documents filed by the petitioner as well as the respondents along with the counter affidavit reveal that the said Rakesh Kumar was a student of the institute and studying in the New Core Computer Centre. As the said Rakesh Kumar was misbehaving with one of the girl students, the coordinator of the centre had slapped him on 5th September, 2021. Thereafter, a letter of apology dated 06.06.2023 was submitted by Rakesh Kumar. The letter dated 22.06.2028 by one of the students i.e. Gulshan Kumar clearly establishes the fact that the said Gulshan Kumar along with Rakesh Kumar have



created the video which has become the basis for the complaint against the computer centre (NCC). However, the authorities have not taken the said letters into consideration while passing the impugned order. Further, it is to be noted that some of the students have also submitted the representations complaining about the wrong doings of Gulshan Kumar and Rakesh Kumar but the same have not been taken by the authority concerned. As seen from the record, the fact that the said Gulshan Kumar and Rakesh Kumar have submitted their apology letters and also acceptance of guilt has not been denied by the respondents in their counter affidavit. The order passed by the authorities does not reveal that they have taken the above letters into consideration before passing the order. When the complainants have themselves admitted that they have created the fake video to defame the institute taking any action on the petitioner on the basis of the said video is illegal.

5. Having regard to the above-mentioned facts and circumstances, the impugned order of cancellation of registration of the computer centre (NCC) dated 21.07.2023 is set aside. The authorities are directed to restore the Kaushal Yuva Program (KYP) Code/ Centre Code. The authorities shall not interfere with the functioning of the computer centre (NCC)



run by the petitioner herein without any legal basis.

6. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy, J)

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