

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1221 of 2024

In
Civil Writ Jurisdiction Case No.5013 of 2023

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1. The State of Bihar through the Principal Secretary, Government of Bihar, Secretariat, Patna.
 2. The Secretary, Water Resources Department, Government of Bihar, Secretariat, Patna.
 3. The Chief Engineer, Central Design, Research and Quality Control, Water Resources Department, Patna.
 4. The Superintending Engineer, Quality Control (Irrigation Creation) Circle, Patna.
 5. The Executive Engineer, Quality Control (Irrigation Creation) Division, Nalanda (Biharsharif).
 6. The District Magistrate, Bhojpur at Ara.

... .. Appellant/s

Versus

Kusum Kunwar W/o Late Babunand Ram R/o Vill- Shankardih, P.S.- Sara,
District- Bhojpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Alok Ranjan, Advocate
For the Respondent/s : Mr. Adil Abbas, Advocate

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 20-01-2025

Re.- I.A. No. 1 of 2024 :-

Mr. Alok Ranjan, learned Advocate for the appellants presses I.A. No. 1 of 2024 for condoning the delay of 53 days in preferring this appeal.

2. For the reasons stated in the application, the delay of 53 days in preferring this appeal is condoned.



3. I.A. No. 1 of 2024 stands allowed.

Re.- L.P.A No. 1221 of 2024 :-

4. The husband of the respondent, while serving as a Peon in the Modernization Division, Piro (Bhojpur) under Water Resources Department, Government of Bihar had died in harness in the year 1998. The respondent was provided appointment on compassionate ground after her application was forwarded by the District Compassionate Appointment Committee, Bhojpur in year 2002. She continued to discharge her duties thereafter. However, on verification of the certificate, it was found that the certificate of Class-VIII was forged and therefore her appointment was terminated in the year 2005.

5. The respondent approached the Chief Engineer, Central Design, Research and Quality Control, Water Resources Department, Government of Bihar and explained to him that when she had filled up the form for being considered for compassionate appointment, she had only declared that she had passed Class-V and had



never supplied any certificate of having passed Class-VIII as that was not even necessary for her being a member of the Scheduled Caste Community, where relaxation was given with respect to the academic qualification, especially in cases of compassionate appointment.

6. Nothing happened thereafter despite respondent approaching the authorities time and again. It was only on 1st of February, 2019, it is alleged by the State, that a certificate of Class-VIII, which was found to be forged, was submitted by the respondent.

7. The respondent had to come to this Court vide C.W.J.C No. 9437 of 2021. The learned Single Judge, after having found that the termination of the respondent was not warranted, directed for her reinstatement but the State preferred an appeal (L.P.A No. 385 of 2022) in which the order of the learned Single Judge was affirmed but only a modification was made that she would not be entitled to get any monetary benefit for the period that she had not worked.



8. Thereafter, again on 15th of November, 2022, a notice was issued to her by the Chief Engineer, Central Design, Research and Quality Control, Water Resources Department asking her to show-cause why her service be not terminated for having supplied a forged certificate of 8th Class.

9. The same issue was agitated before the Courts twice over and it was found that at the time of filling up the form for being recommended for compassionate appointment, the only declaration made by her was that she was educated till Class-V only.

10. Nonetheless, again her appointment was terminated on the same set of facts.

11. Taking note of the aforementioned facts, the learned Single Judge, in the present instance, vide his order dated 11.09.2024, passed in C.W.J.C No. 5013 of 2023, set aside the termination order. Before doing so, he had also inspected the original records of the District Compassionate Appointment Committee, Bhojpur and



had found that there was no declaration by the respondent that she had ever passed Class-VIII.

12. The order of termination, therefore, was set aside and the respondent was directed to be reinstated in service immediately with the condition that she would not be entitled to any financial benefit during the period when she was not in service due to the termination order.

13. We find no fault with the order passed by the learned Single Judge.

14. The appeal is highly misconceived and therefore is dismissed.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Shiv/Rajesh

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.01.2025
Transmission Date	

