

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19833 of 2018

Sanjay Kumar S/o Kishori Mandal R/o Vill-Hakpara, P.O.-Nand Lali, P.S.-
Saharsa, Dist-Saharsa

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Primary Education Directorate, Bihar, Patna
3. The District Education Officer, Supaul
4. The District Programme Officer Estt., Supaul
5. The Block Education Officer, Kishanpur, Supaul
6. The Mukhiya, Gram Panchayat Raj, Kishanpur South, District-Supaul
7. The Panchayat Secretary, Gram Panchayat Raj, Kishanpur South, District-Supaul
8. The Member District Teacher Appellate Authority, Supaul
9. The State Appellate Authority, Niyojan Bhawan, Bailey Road, Patna through its Secretary
10. Basant Kumar S/o Late Maheshwar Mandal R/o At and P.O. Kaushlipatti, P.S.-Pipra, District-Supaul

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rajeev Kumar Singh, Adv.
For the Respondent/s	:	Mr.Jitendra Kumar Roy 1 -Sc13
For the respondent no. 10	:	Mr. Girijanand Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 29-11-2021

1. Heard Mr. Rajeev Kumar Singh, the learned counsel for the petitioner, Mr. Jitendra Kumar Roy No. 1 for the State and Mr. Girijanand Prasad for private respondent no. 10.

2. The respondent no.10 was appointed as a Panchayat Teacher but when it was found that his degree



was forged, necessary enquiry was made regarding the same.

3. The District Teacher Employment Appellate Authority, Supaul found that respondent no. 10 was not entitled to be appointed and, therefore, validated the appointment of the petitioner on such post on which he was appointed after the appointment of the respondent no. 10 was annulled.

4. The petitioner is a candidate of B.C. category and was placed second in the merit list.

5. The aforesaid order of the District Teacher Employment Appellate Authority, Supaul was challenged by the respondent no. 10 before the State Appellate Authority which ultimately declared the certificate of the respondent no. 10 to be genuine and directed the authorities to re-instate him in service.

6. Hence, this writ petition.

7. A perusal of the counter affidavit filed on behalf of the official respondents indicates that the respondent no. 10 had made a request that his training certificate should be



verified from Bihar School Examination Board. Acceding to his request, the certificate was again sent for verification before the Board and it was reported that the matriculation certificate of respondent no. 10 was genuine but the certificate of his having passed the Teachers Training Examination was incorrect as there was tampering in the certificate.

8. Since this report was different from the report which was earlier submitted by the D.E.O., who had also submitted his report after verification of the records from the Bihar School Examination Board, the District Programme Officer (Establishment), Supaul thought it appropriate that the certificate of respondent no. 10 be again verified from the Bihar School Examination Board by deputing another officer, namely, Shri Shiv Dayal Prasad, who was the then Programme Officer (Establishment), Supaul.

9. The aforesaid officer visited the office of the Bihar School Examination Board and got the certificates of the respondent no. 10 verified from the records and again submitted his report on 17.06.2014, stating that the



matriculation certificate of the respondent no. 10 was correct but the training certificate was fake as the roll number provided in such certificate belonged to another candidate and not the respondent no. 10.

10. These facts were not made known to the State Appellate Authority and, therefore, the State Appellate Authority passed an order in favour of the respondent no. 10.

11. It appears from the counter affidavit filed by the respondent no. 10 that only the report which was initially furnished regarding the correctness of the certificate of the respondent no. 10 was placed before the State Appellate Authority for his consideration.

12. This being the situation, this Court is left with no other option but to set aside the appellate order and remand the case back to the State Appellate Authority for passing a fresh order after hearing both the parties and on perusing the report regarding the genuineness of the certificate of the respondent no. 10 as well as the claim of the petitioner.

13. The State Appellate Authority is requested to



pass a final order within a period of three months from the date of receipt / production of a copy of this order.

14. Till such time, status quo shall be maintained.

15. With the aforesaid observation, the writ petition stands disposed of.

(Ashutosh Kumar, J)

sunilkumar/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	02.12.2021
Transmission Date	N/A

