

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1522 of 2022

Md. Sadaf Kamran S/o Md. Shahid Kamran, Resident of Chhaurahi, P.S. -
Chhaurahi, District - Madhubani, Bihar - 847228 (I.D. No. AEN00376).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Director, Directorate of Land Records and Survey, Government of Bihar, Patna.
4. The Assistant Director, Directorate of Land Records and Survey, Government of Bihar, Patna.
5. The Settlement Officer, Settlement Office, Sheikhpura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rupesh Kumar
For the Respondent/s : Mr. Raj Kishore Roy (GP-18)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 02-03-2022

Heard learned counsel for the parties.

In the instant petition, petitioner has prayed for the
following relief/reliefs:

*“That the petitioners of this
case have filed this writ application
for issuance appropriate Writ/s and/or
Order/s and/or Direction/s,
commanding the respondents
concerned for grant of following
Reliefs:*



(i) For that issuance of writ/s, order/s, direction/s in the nature of certiorari to quash the letters no.- 4468 dated 15.12.2021, whereby and where under petitioner has been terminated, order of Recovery of salary and lodging of first Information Report has been made against the petitioner working on the Post of Special Survey Amin stating the reason that certificate of petitioner (diploma in civil Engineering) is wrong/forged/fake.

(ii) For that issuance of writ/s, order/s, direction/s in the nature of certiorari to quash the letters No.- 808 dated 06.01.2022 against the petitioner issued by Settlement Officer, Sheikhpura under the Department of Revenue and Land Reforms, Government of Bihar (Respondent No.- 5) whereby and where under



respondents has ordered to recover the money (Payment of Salary for work of Petitioner) of total Rs.4,42,032/- (Four lakh forty two thousand thirty two rupees).

(iii) For issuance of writ/s, Order/s, direction/s in the nature of mandamus for Properly, thoroughly and fairly investigate in the matter of Special Survey Amin, Settlement office with respect of degree and documents of the petitioner, who are working as Special Survey Amin in Sheikhpura district of state of Bihar. And also to give the petitioner, a reasonable opportunity of being heard, by these Respondents-authorities.

(iv) For issuance of writ/s, Order/s, direction/s in the nature of mandamus commanding the respondents-authorities to consider him again for work in the concerned



department by the respondent.

(v) For issuance of writ/s, order/s, direction/s in the nature of mandamus commanding the respondents-authorities to not lodge any F.I.R. nor to proceed further in this matter till the disposal of this case.

(vi) For further any other relief/s, order/s, direction/s as your lordship may deem fit and proper in the facts and circumstances of this case.”

The petitioner's service has been terminated and further ordered for recovery so also initiated criminal proceedings in filing F.I.R. on the score that petitioner has misled the department in producing certificate which is alleged to be fake Diploma in Civil Engineering Certificate. The respondents have not initiated disciplinary proceedings while holding that certificate produced by petitioner (Diploma in Civil Engineering) is forged/fake. Therefore, the concerned respondents are hereby directed to initiate disciplinary proceedings/domestic enquiry, even though, petitioner was



appointed to the post of Special Survey Amin on Contract basis for the reasons that the alleged allegations relating to production of fake Diploma in Civil Engineering Certificate attaches stigma on the petitioner and it may be hurdle for future employment. The enquiry shall be initiated and completed within a period of three months from the date of receipt of this order. However, the petitioner shall not be taken back to duty till enquiry is concluded in his favour.

With the above observation, writ petition stands disposed of.

(P. B. Bajanthri, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.03.2022
Transmission Date	NA

