

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 17954 of 2019

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Gopal Kumar, aged about 31 years, Male Son of Shri Ram Swarth Rai,
Resident of Village-Bhale, P.O.-Prem Nagar, P.S.-Runni Saidpur, District-
Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary cum Commissioner, Education Department, State of Bihar, New Secretariat, Patna.
2. The Director, Primary Education, Education Department, Government of Bihar, New Secretariat, Patna.
3. The District Magistrate, Sitamarhi.
4. The District Education Officer, Sitamarhi.
5. The District Programme Officer (Establishment), Sitamarhi.
6. The Block Education Officer Block-Suppi, P.S.-Majarganj, Block-Suppi, District-Sitamarhi.
7. The Mukhiya, Gram Panchayat Raj Mohini Mandal, Block-Suppi, P.S.-Majarganj, District-Sitamarhi.
8. The Panchayat Secretary, Gram Panchayat Raj Mohini Mandal, Block-Suppi, Sitamarhi.
9. The Presiding Officer District Appellate Authority, Sitamarhi.
10. Shankar Kumar, Son of Ram Naresh Rai, Resident of Village-Sirahi, P.O. and P.S.-Riga, District-Sitamarhi.

... .. Respondent/s

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with
Civil Writ Jurisdiction Case No. 21685 of 2019

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Shankar Kumar, aged about 40 years, Male Son of Ram Naresh Rai, Resident of Village- Sirahi, P.O.- Sahbajpur, P.S.- Riga, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary Education Department, Government of Bihar, Patna.



3. The Director, Education Department, Government of Bihar, Patna.
4. The District Magistrate, Sitamarhi, District- Sitamarhi.
5. The District Education Officer, Sitamarhi, District- Sitamarhi.
6. The District Programme Officer (Establishment), District- Sitamarhi.
7. The Block Education Officer, Suppy, District- Sitamarhi.
8. The Mukhiya, Gram Panchayat Raj Mohini Mandal, Block- Suppy, P.S.-
Mejarganj, District- Sitamarhi.
9. The Panchayat Secretary, Gram Panchayat Raj Mohini Mandal, Block-
Suppy, P.S.- Mejarganj, District- Sitamarhi.
10. Sri Gopal Kumar, aged about 31 years, Male Son of Sri Siyaram Swarath
Rai, Resident of Village- Bhale, P.O.- Premnagar, P.S.- Runnisaidpur,
District- Sitamarhi.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 17954 of 2019)

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| For the Petitioner/s | : | Mr. Rajeev Kumar Singh, Advocate |
| For the State | : | Mr. Ram Vinay Prasad Sinha, AC to GA 12 |
| For the Respondent No. 10 | : | Mr. Sharda Nand Mishra, Advocate |

(In Civil Writ Jurisdiction Case No. 21685 of 2019)

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| For the Petitioner/s | : | Mr. Sharda Nand Mishra, Advocate |
| | | Mr. Harish Chandra Patel, Advocate |
| For the Respondent/s | : | Mr. Prabhakar Jha, GP 27 |
| | | Mr. Umesh Narayan Dubey, AC to GP 27 |

**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL JUDGMENT

Date : 28-04-2022

Heard the parties.

The case is being taken up from defect side.

Learned counsel for the petitioners is directed to submit
the original petition along with attested affidavits and also remove



all the defects pointed out by the Registry within two weeks from today.

The petitioners by way of this writ petition assails the order passed by the State Appellate Authority, Education Department, Bihar Patna which reversed the order passed by the District Appellate Authority, Sitamarhi.

The District Appellate Authority, Sitamarhi held that the respondent no. 10, had applied under the unreserved category and, therefore, he could not be given later-on advantage of being B.C. category.

The State Appellate Authority, Education Department, Bihar Patna reversed the said judgment and holding otherwise that the respondent no. 10 applied under the reserved category and mentioned in the form that he belongs to B.C. category.

Learned counsel for the petitioners has taken this Court to the report submitted by the Government after conducting enquiry which mentions that the true copy of the original application form of respondent no. 10 Shankar Kumar, shows that he had applied under the general category. It is also reported in the said enquiry that in certified true copy of the employment register, at page no. 1 to 51 shows that Shankar Kumar was included in the application form/register at Sl. no. 209 mentioning him to come



under unreserved category. Learned counsel for the petitioners has supported his submission on the basis of document placed on record as Annexure-2, which is an application form of respondent no. 10 and there is a tick mark in the box relating to unreserved category.

Per contra, learned counsel for the respondent no. 10 has taken this Court to the counter affidavit and submitted that as per the document made available to him under the Right to Information Act relating to the employment register of 2008, the respondent no. 10 Shankar Kumar has been shown to be from reserved category. He has also taken this Court to the reply filed to the counter affidavit by the petitioner Gopal Kumar in the earlier litigation which came up before this Court in CWJC No. 21409 of 2011, wherein the petitioner took a stand that the respondent no. 10 herein (who was respondent no. 9 in the said writ petition) had not submitted his caste certificate. An application form purported to be of the respondent no. 10 was also placed on record with the reply to the counter affidavit therein as Annexure-14 and in the said application form the respondent no. 10 is shown to be from B.C. category and there are two tick marks as against the said boxes in the said form.



This Court notices that the format of the application form placed before this Court as Annexure-2 and the format of the application form placed as Annexure-14 in the earlier writ petition are different. The columns are also different and surprisingly both the application forms are of same person Shankar Kumar and are for the same Panchayat Raj Mohini Mandal, Block-Suppi District-Sitamarhi.

Similarly, the registration document placed on record by the respondent no. 10 mentions his name at Sl. no. 209 showing him as from reserved category while the Government enquiry report mentions his name at Sl no. 209 in the unreserved category.

In the circumstances as above, this Court concludes that both the petitioners as well as the respondent no. 10 have attempted to place forged documents before this Court in order to set up their cases. Both the candidates who have applied for the post of teacher a sacred profession cannot be expected to indulge in filing forged documents. Both of them do not deserves to be considered for the post of teachers. Such conduct on part of both of them is sufficient to oust them from participation and consideration as a teacher in any educational field. Both the petitioners and respondent no. 10 have shown an unscrupulous behaviour. However, this Court refrains from initiating criminal



proceeding and suffice it to direct the State Government not to consider any one of them for the post of teacher and to releave, if any one is working on any of the post.

Both the writ petitions are dismissed with cost of Rs.50,000/- (fifty thousand) to each on the petitioner as well as on the respondent no. 10 to be deposited with the Bihar State Legal Services Authority and recoverable under the PDR proceedings in the event of non payment.

(Sanjeev Prakash Sharma, J)

Anand Kr.

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