WEB COPY NOT OFFICIAL

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4494 of 2015

==========

1. Shiv Nath Sharma S/o Late Raj Nandan Sharma resident of village Pali, P.S. Naubatpur, District - Patna at Present Head Master of Swami Basudevacharya Sanskrit High School, Taretpali, P.S. Naubatpur, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna
2. The Special Director, Secondary Education, (Sanskrit), Education Department, Government of Bihar, Patna
3. Bihar Sanskrit Shiksha Board through its Secretary, Near Chitkohara Pool Flat No. 17, Bihar, Patna
4. The Chairman, Bihar Sanskrit Shiksha Board, Near Chitkohara Pool Flat No. 17, Bihar, Patna
5. The Secretary, Bihar Sanskrit Shiksha Board, Near Chitkohara Pool Flat No. 17, Bihar, Patna
6. The District Education Officer, Patna
7. The District Programme Officer, Patna

.... Respondent/s

==========

Appearance :
For the Petitioner/s : Mr. Sushil Kumar Jha
For the Respondent/s : Mr. Partha Sarthy, GA 11
Mr S.S.Sundaram

==========

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 18-05-2015

If the petitioner does not deny that he had sat for matriculation examination in the year 1971 and had declared his date of birth to be 5.6.1952 then merely because he went ahead and acquired some more certificates and degrees like Madhayama, Uttar Madhayama etc., the date of birth cannot change. The educational qualification can be acquired through various norms and institutions but man cannot be born again and again before every examination.

Annexure- 1 is the order dated 15.12.2014, by virtue of which petitioner has been asked to superannuate treating his date of birth to be 5.6.1952. Petitioner has filed the writ application that it is his 1955 date of birth as available in Uttar Madhyama certificate, which should be treated to be the correct date of birth.

Since the petitioner has not denied existence of two different dates of birth and two different certificates relating to him, this is a clear case of fraud played by the petitioner in seeking appointment under the respondents. In the opinion of the Court, not only the impugned order is not required to be interfered with but the Sanskrit Shiksha Board or the State will be well advised to file a complaint case against the petitioner itself for his conduct and fraud on the face of record. Let the petitioner prove his innocence before the forum after institution of such a case.

Writ is dismissed.

(Ajay Kumar Tripathi, J)

sk

U			