

Chandan Kumar Vs. the State of Bihar and ors

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Court : Patna

Decided On : May-12-2012

Appellant : Chandan Kumar

Respondent : The State of Bihar and ors

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Civil Writ Jurisdiction Case No.4732 of 2011 Chandan Kumar Son of Sri Ram Balak Giri, resident of village Madhodi, P.O. Satanpur, P.S. Ujiyarpur, District Samastipur. Versus The State Of Bihar & Ors -----

12. 01/2012 Heard learned counsel for the petitioner and learned counsel for the State. Annexure-8 is the order dated 15.03.2010 passed by the District Teachers Employment Appellate Authority, Samastipur in Appeal No. 1156 of 2009. This order has been assailed in the present writ application by the petitioner because his appointment on the post of Panchayat teacher has been held to be bad. Shorn of other details under which the petitioner came to be appointed on the post is that his appointment became controversial when one Sarita Kumari (respondent no.

14) raised an issue before the Appellate Authority against her non appointment and appointment of the petitioner as such. The issue of appointment of the petitioner and the certificate which he had produced for getting appointment was investigated or enquired into by an Executive Magistrate of Dalsingsarai and it emerged that -2- the petitioner had obtained two certificates, one of Madhyama and the other of Matriculation in the same year. Petitioner had obtained 671 marks

out of 900 marks in Madhyama examination whereas 352 marks in Matriculation examination. He used Madhyama certificate to beget his employment. The Appellate Authority has categorically held that fraud was played by the petitioner in obtaining employment because in the same year i.e. 1999 he cannot pursue two legitimate courses of studies at the same time. Since both the certificates relate to the same year, obviously, atleast one of them seems to be fraudulently obtained. The conduct of the petitioner, therefore, came in the way of his continuance on the post of Panchayat teacher. There is nothing wrong if the Appellate Authority has decided to annul his appointment under the circumstances under which he had obtained employment by playing fraud upon the authorities. This writ application is dismissed as the impugned order does not require any interference. AMIN/ (Ajay Kumar Tripathi, J.)

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