

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 111 of 2024

Indu Kumari, daughter of Ram Narayan Ray, resident of Albert Compound, Krishnalaya, Konka Mauza, Purulia Road, Ranchi, P.O. & P.S. Sadar, Ranchi, District-Ranchi.
..... Petitioner

Versus

- 1.** The State of Jharkhand, through the Secretary Department of School Education and Literacy Development, having its office at M.D.I, Building, Dhurwa, P.O. & P.S.-Dhurwa, District-Ranchi.
- 2.** The Secretary, Department of School Education and Literacy Development, having its office at M.D.I, Building, Dhurwa, P.O. & P.S.-Dhurwa, District-Ranchi.
- 3.** The Deputy Commissioner, Ranchi having its office at Collectorate Building, Ranchi, P.O. & P.S. Lalpur, District-Ranchi.
- 4.** The District Superintendent of Education, Ranchi having its office at Collectorate Building, Ranchi, P.O. & P.S. Lalpur, District-Ranchi.
- 5.** The Deputy Commissioner, Sahebganj having its office at Collectorate Building, Sahebganj, P.O. and P.S. Sahebganj, District-Sahebganj.
- 6.** The District Superintendent of Education, Sahebganj, having its office at Collectorate Building, Sahebganj, P.O. & P.S. Sahebganj, District-Sahebganj.
- 7.** The Bihar Sanskrit Board, Patna through the Secretary, having its office at 17, Back Harding Road, Patna, P.O. & P.S. Patna, District-Patna. Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner : Mr. Shrestha Gautam, Adv
For the Respondents : Mr. O.P.Tiwari, G.P.-III

06/Dated: 29th August, 2024

Heard learned counsel for the parties.

- 2.** The instant writ application has been preferred by the petitioner praying therein for quashing and setting

aside the order as contained in Memo No. 2622 dated 05.08.2020 (Annexure-27), passed by the District Superintendent of Education, Ranchi; whereby the petitioner has been terminated from service on the ground of fake Madhyama certificate of the petitioner.

3. The brief facts of the case are that the petitioner was appointed to the post of Assistant Teacher on 01.01.1988. The petitioner submitted her original certificates to the office of DSE, Sahibganj. The DSE, Sahibganj verified the certificates and found them genuine. Thereafter, the Principal of the Teacher Training College, Barhet sent the certificate of the petitioner to the Bihar Sanskrit Shiksha Board, for verification. The Board verified the certificates and sent its verification report.

Pursuant thereto, the D.C. Sahebganj suspended the petitioner due to some doubts with regard to the genuineness of the certificates of the petitioner and again DC Sahebganj sent the certificates of the petitioner to the Board for verification. The Board verified the certificates and sent its verification report to the DC. Thereafter, DSE, Sahibganj considered the matter and observed that the certificates of the petitioner to be genuine. Thereafter the DSE Sahibganj revoked the suspension of the petitioner.

Once again, the DSE stopped the salary of the petitioner in the name of document verification against which petitioner filed a writ petition which was dismissed as withdrawn. Thereafter petitioner was served with show cause notice to which she replied and thereafter she was removed from the service.

4. Learned counsel for the petitioner submits that the

date of birth mentioned in the certificate was due to the clerical error as indicated in the affidavit filed by the respondent no. 7, i.e. the Bihar Sanskrit Siksha Board, Patna; as such in view of the affidavit, the termination order should be quashed and set aside and the petitioner shall be reinstated in service.

5. Learned counsel for the respondent-State fairly submits that in view of the affidavit filed by the respondent No. 7 certifying the date of birth of the petitioner to be 30.12.1967, there is no further scope in defending the impugned order.

6. Having heard learned counsel for the parties and after going through the documents available on record and the averments made in the respective affidavit especially the counter-affidavit filed by respondent no.7; wherein at para 10, 11, 14 and 15, it has been stated as under:-

"10. That it is admitted fact that petitioner has given examination of Madhyama in the year 1985 bearing Roll Code 34, Roll no. 270 marks obtained 325, IIIrd division. It is correctly mentioned in GTR & RTR. But date of birth of the petitioner is mentioned in GTR & RTR as 30.12.1970 and 30.12.1967 respectively. In the RTR date of birth father's name of the petitioner mentioned as cutting by hand written as 30.12.1967 in place of 20.12.1970 and father's name as Ram Narayan Ray in place of Ram Narayan Ram, however GTR printed as 20.12.1970 and Ram Narayan Ram till date.

11. That it is relevant to state here that answering respondent has recently perused the record/ GTR/RTR and compare the same and it is found that in the RTR date of birth of the petitioner has rectified as 30.12.1967 and father's name Ram Narayan Ray.

14. That it is stated and submitted that the answering respondent has placed the present important/ serious matter before the Administrator of the Board. After perusal and considering the very serious matter and applying his full judicial mind administrator of the Board has decided that different date of birth and name of father of the petitioner mentioned in the GTR and RTR is a part of clerical mistake. Date of birth and name of father of the petitioner has already been corrected very earlier and that has not been rectified in the GTR by clerical mistake. As such, it is continued up till date and

hence it is in the interest of justice that benefits of doubt is to be given to the petitioner and accordingly allowed date of birth and father's name of the petitioner which is mentioned in the RTR as 30.12.1967 and Ram Narayan Ray.

15. That it is respectfully stated and submitted that after order of rectification of date of birth and father's name to the petitioner as 30.12.1967 in the GTR also by the Administrator of the Board, the answering respondent has issued memo no. 1986 dated 04.5.2024 whereby and whereunder it is specified that date of birth of the petitioner is 30.12.1967 and elaborated earlier verification report vide letter no. 136 dated 24.01.1997 and 245 dated 21.09.1997."

7. Pursuant to filing of the said counter-affidavit the respondents were directed to recall its order of termination and reinstate the petitioner. For brevity order dated 21.08.2024 is extracted herein below;

"Learned counsel for the State fairly submits that in view of the affidavit filed by respondent No.7 (Bihar Sanskrit Siksha Board) certifying the date of birth of the petitioner to be 30.12.1967 and the genuinity of the certificate produced by the petitioner, there is not much scope in regard to submission in defending the impugned order.

2. *In view of the fair submission of learned counsel for the respondent-State, this case is adjourned for the next week to be posted on 29.08.2024.*

3. *It is expected that by that time the concerned respondent shall recall its order of termination and reinstate the petitioner, otherwise, the Court will pass an appropriate order on merits of the case."*

However, no further affidavit has been filed.

8. In view of the aforesaid facts and circumstances of the case when it has been admitted by respondent no. 7 that different date of birth and name of the father of the petitioner mentioned in the GTR & RTR is a part of clerical mistake, inasmuch as, the date of birth and name of the father of the petitioner was already corrected earlier; however, the same was not rectified in the GTR by the concerned clerk which is apparent from paragraph 14 of the counter-affidavit quoted hereinabove.

9. After going through the factual aspect especially the counter-affidavit filed by the respondent No. 7 it is evident that it is not a case of submission of forged certificate; rather it is a case of human error by a concerned clerk. Accordingly, the impugned order of termination dated 05.08.2020 (Annexure-27), is hereby, quashed and set aside and the respondent is directed to reinstate the petitioner forthwith.

10. Accordingly, the instant writ application stands allowed.

(Deepak Roshan, J.)

*Amardeep/
AFR/*