

(2019) 11 PAT CK 0081

In the Patna High Court

Case No : Criminal Writ Jurisdiction Case No. 1495 Of 2019

Baleshwar Tiwari

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 18-11-2019

Acts Referred:

Citation : (2019) 11 PAT CK 0081

Hon'ble Judges : Vikash Jain, J

Bench : Single Bench

Advocate : Nityanand Mishra, M. Nasrul Huda Khan

Final Decision : Dismissed

Judgement

1. The present writ petition has been filed for the following reliefs as formulated by the petitioner__

"(i)That this is an application for issuance of an appropriate writ/writs in the nature of mandamus directing/commanding the respondent no. 7 (the SHO, PS Kuchaikot) to register the First Information Report against respondent no. 18 (Ram Dular Prasad @ Ram Dular Das) in accordance with law for such type of fraud committed by the respondent no. 18 (Ram Dular Prasad @ Ram Dular Das) by holding post of Principal on the basis of forged certificate and further to recover all the paid amount by way of salary and other means as received by him earlier along with interest.

(ii) For further directing and commanding the respondent nos. 8 to 16 not to release the fund to the Secretary, Managing Committee, Shree Mahendra Das Inter College, Mathia, Nechua Jalalpur, P.S. Kuchaikot, District Gopalganj and Dr. Ramdular Prasad son of late Deo Narayan Rawat, resident of village and Post Agya Mahamada, District Siwan (respondent no. 19 and 18) as he has misused the Govt. money on the basis of forged certificate as his basic qualification certificate i.e. Matriculation certificate, is forge and fabricated and also received salary/payment as fake teachers/staffs and his relatives who are not actually

engaged/employed in the said Inter College.

(iii) Further for direction to the respondent no. 8 to 16 to stop immediately releasing the fund to the respondent no. 18, because he has enjoying and misusing the Government money as he is not eligible to use the Government money because his basic qualification certificate was achieved by making fraud.

(iv) Further for directing the respondent concerned to initiate a proceeding against the respondent no. 18 in accordance with law for such type of fraud committed by the respondent no. 18 by holding post of Principal on the basis of forged certificate and further to recover all the paid amount by way of salary and other means as received by him earlier along with interest.

(v) For any other relief/reliefs, for which the petitioner is entitled to."

2. As far as grievance relating to non-registration of the FIR is concerned, the petitioner does not appear to have taken any remedial steps as provided under the Code of Civil Procedure. Learned counsel for the petitioner has not demonstrated that he has approached the higher authorities or filed any appropriate application before the learned Court below in that regard.

3. As regards prayer for restraining the respondent no. 18 from making further withdrawals on the basis of forged signature of the petitioner and the connected reliefs, it has been stated in para 15 that a writ petition had earlier filed in CWJC No. 3735 of 2018 which was however dismissed on 03.08.2018 with liberty to the petitioner to pursue his remedy before the concerned authorities. Learned counsel for the petitioner has not shown that pursuant to such order he has taken any steps for pursuing his remedy before the authorities.

4. In the above circumstances, this Court is not inclined to interfere in the matter. The writ petition stands dismissed.