

(2012) 07 PAT CK 0094

In the Patna High Court

Case No : CWJC Nos. 8942 of 2001 and 20639 of 2010

Rajendra Kumar Singh

APPELLANT

Vs

The State of Bihar and Others
 Sri Bhagwan Singh Vs
The State of Bihar and Others

RESPONDENT

Date of Decision : 25-07-2012

Acts Referred:

Citation : (2012) 07 PAT CK 0094

Judgement

J.N. Singh, J.—Superintendent of Police (Vigilance) of Siwan Zone is present in Court and a final report alongwith its enclosures has been submitted by learned senior counsel appearing on his behalf which is kept on record. Now, after specific orders and indulgence granted by this Court, Vigilance Department has completed the investigation and submitted its final report alongwith its enclosures. It has recommended for institution of the first information report against persons guilty for illegal appointments. Alongwith recommendation for institution of F.I.R. a large number of documents have been annexed including a comparative chart of marks of the candidates appointed.

2. Learned senior counsel for the Vigilance submits that among the appointed candidates, many have been found to be illegally appointed which has been pointed out by the Vigilance. Vigilance Department has also found that there was large scale connivance of the officials of the Department in the said appointments. Hence, prosecution has been recommended against them.

3. Learned counsel for the petitioners submits that now Vigilance Department has found that from the panel of 150 candidates, many candidates, out of 115 appointed, have now been found by the Vigilance as illegally appointed. Hence the Department should revise the panel, strike off names of such candidates from panel and remove them from services. As a consequence of revision of the panel, now many candidates who ranked above or below the 150, like petitioners, may get higher position in the panel and within the cut-off point fixed for appointment. Hence if such candidates come under the consideration zone,

they should be appointed and/or be allowed to continue.

4. Learned Government Advocate No. 1 submits that it is not clear from the report of the Vigilance Department as to whether a copy of the same has been sent to the Department of Primary Education or not. Besides, fixing criminal liability on the officials involved in large scale illegal appointments, departmental action is also required to be taken against them as well as against illegally appointed teachers. Hence, the Department will require a copy of the report alongwith its enclosures to decide future course of action in the matter.

5. In the circumstances, Superintendent of Police (Vigilance) of Siwan Zone is directed to send a copy of the final report with all its enclosures to Department of Primary Education, Government of Bihar, positively within a fortnight from today. On receipt of the report, the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna shall take up the matter himself personally, examine the report and shall decide future course of action as the Department may be required to take in the matter particularly in respect of the officials of the Department as well as teachers who got employment on account of this illegal appointment. He will also revise the panel and check up as to how many other candidates ranking below, like the petitioners are shifted to higher position in the panel, so that on the basis of the record and other records of the Department, their entitlement for appointment or being retained may be considered. Since the matter is old one, Principal Secretary shall see to it that actions are taken in the matter as quickly as possible. The writ applications are disposed of with the aforesaid observations and directions.