

## **The Branch Manager, the National Insurance Company Limited Vs Kumkum Devi**

**Court:** Jharkhand High Court

**Date of Decision:** Jan. 16, 2025

**Acts Referred:** Motor Vehicle Act, 1988 " Section 166

**Hon'ble Judges:** Gautam Kumar Choudhary, J

**Bench:** Single Bench

**Advocate:** Manish Kumar, Arvind Kr. Lall, Arvind Kr. Lall, Manish Kumar, Anil Kumar Sinha

**Final Decision:** Disposed Of

### **Judgement**

Ananda Sen, J

1. In this writ petition, the petitioner has prayed to quash the Memo No.262 dated 30.09.2021 (Annexure-6), whereby and where under, respondent

No.4 had directed respondent No.6, not to take any teaching class from the petitioner and ban him from any departmental work.

2. The petitioner was appointed as an Assistant Teacher in the Upgraded High School, Gorangkocha vide Memo No.927 dated 12.07.2019.

3. It is the allegation against the petitioner that on the basis of fake document, he has entered in service. It is the specific case of the respondents that

the petitioner has failed in matriculation, thus, he is not eligible to be appointed.

4. A departmental proceeding was also initiated against the petitioner and in the said departmental proceeding, charges against the petitioner were

proved. It was established that without passing the matriculation, he has produced a fake document.

5. The respondents verified the document of the petitioner and though there were some discrepancies in the report sent by the Bihar School

Examination Board, yet finally the Board and also the School have approved the fact that the petitioner has failed in matriculation. The Principal of the

School also verified the aforesaid fact.

6. Ultimately, second show cause notice was issued to the petitioner and thereafter the petitioner was dismissed from service after a conclusion of the

departmental enquiry.

7. There is no procedural lapse in conducting the departmental proceeding. Since the petitioner had failed in matriculation, he is not an eligible

candidate to be appointed as an Assistant Teacher. His appointment is thus, illegal. On that basis the petitioner has been removed from service. I find

no illegality in removing the petitioner from service.

8. So far as this writ petition is concerned, I find that the petitioner has not even challenged the order by which the petitioner has been dismissed from

service, consequent upon holding a proper departmental enquiry.

9. Be that as it may. From what has been held above, the petitioner is not entitled for any relief.

10. Accordingly, this writ petition is dismissed.