

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1007 of 2024

In
Civil Writ Jurisdiction Case No.19439 of 2012

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1. Bihar Gramin Bank, Head Office, Kalambagh Chowk, Muzaffarpur, PIN - 842001 through its Chairman.
 2. The Chairman cum Disciplinary Authority, Bihar Gramin Bank, Head Office Kalambagh Chow, Muzaffarpur, PIN - 842001.
 3. Board of Bihar Gramin Bank cum Appellate Authority through its General Manager, Head Office Kalambagh Chow, Muzaffarpur -842001.
 4. The General Manager, Bihar Gramin Bank, Head Office, Kalambagh Chow, Muzaffarpur, PIN - 842001.

... .. Appellant/s

Versus

Madhusudan Prasad Tanti, Son of Sri Late Feku Prasad Tanti, Resident of Village and P.O. Harnaut, P.s. Harnaut, District Nalanda.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Sinha, Sr. Advocate Mr. Ajit Kumar Sinha, Advocate Ms. Dilkash Khan, Advocate Ms. Zeba Akhtar, Advocate Mr. Pravin Kumar, Advocate
For the Respondent/s	:	Mr. Ajay Kumar Prasad, Advocate Mr. Binod Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RANJAN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

Date : 16-06-2026

Heard learned counsel for the parties.

2. The present *intra court* appeal has been preferred against the judgment and order dated 27.06.2024 passed in C.W.J.C. No. 19439 of 2012, whereby the learned Single Judge allowed the writ petition, quashed the order of dismissal bearing No. 784 dated 23.11.2011 read with Administrative



Order No. 785 dated 23.11.2011 as well as the appellate order contained in Letter No. 389 dated 26.07.2012, and further directed the respondents to pay the salary and all consequential service and retiral benefits to the writ petitioner.

3. The brief facts of the present case are that the respondent-writ petitioner was appointed in the erstwhile Champaran Kshetriya Gramin Bank on the post of Branch Manager. A charge-sheet dated 10.08.1996 was issued alleging that at the time of seeking appointment he had produced a forged and fabricated caste certificate showing himself to belong to the Scheduled Caste community "Pan", whereas he actually belonged to the "Tanti" caste, which was included in the Backward Class category in the State of Bihar. It was alleged that by making such misrepresentation he secured appointment against a post reserved for Scheduled Castes.

4. Pursuant to the charge-sheet, a departmental proceeding was initiated. Upon conclusion of the enquiry, the Inquiry Officer submitted his report dated 09.01.2009 holding that the charge levelled against the respondent stood not proved.

5. The Disciplinary Authority, however, on examination of the materials available on record, disagreed



with the findings recorded by the Inquiry Officer and issued a note of disagreement dated 03.10.2011. Instead of submitting his response on the merits of the disagreement note, the respondent sought certain documents, namely the CBI report, letter dated 26.04.2010 and the report of one Shri D.P. Singh. The Disciplinary Authority informed the respondent that the said documents neither formed part of the evidence adduced in the departmental proceeding nor had been relied upon while recording disagreement with the enquiry report. Despite being granted further opportunity, the respondent did not submit any substantive reply to the note of disagreement.

6. Thereafter, the Disciplinary Authority, upon consideration of the evidence adduced in the departmental proceeding, the written submissions of the parties and the enquiry report, recorded a finding that the respondent belonged to the “Tanti” caste and not to the Scheduled Caste community “Pan” as declared by him at the time of appointment. Holding the charge proved, the Disciplinary Authority imposed the penalty of dismissal from service vide Order No. 784 dated 23.11.2011 read with Administrative Order No. 785 dated 23.11.2011 in terms of Regulation 39(1)(b)(v) of the Uttar Bihar Gramin Bank (Officers and Employees) Service



Regulations, 2010.

7. Aggrieved thereby, the respondent preferred a departmental appeal dated 08.12.2011 before the competent Appellate Authority. The Board of Directors, acting as the Appellate Authority, considered the appeal and by order dated 26.07.2012 affirmed the findings and punishment imposed by the Disciplinary Authority, finding no ground for interference.

8. The respondent thereafter invoked the writ jurisdiction of this Court by filing CWJC No. 19439 of 2012 challenging the orders passed by the Disciplinary Authority and the Appellate Authority.

9. Upon consideration of the rival submissions, the learned Single Judge, by judgment dated 27.06.2024, allowed the writ petition. The relevant part of the said order reads as follows:

“6. Having heard the rival submissions made on behalf of the parties, as per the Constitutional (Scheduled Castes) Order, 1950, ‘Pan’ caste comes under scheduled caste category. A clarification as to whether ‘Pan’ and ‘Tanti’ are same caste has been made by the State Government Welfare Department vide Memo No. 638 dated 31.01.1992 and subsequently realizing that wrong information vide communications dated 15.08.2011, 29.06.2011 and 17.06.2011 was provided to the Bank by the Joint Secretary, General Administration Department, Government of Bihar, the then Principal Secretary, General Administration Department issued a clarificatory order dated 21.04.2014 contained in Memo No. 5374 (Annexure-5 to the supplementary



affidavit filed on behalf of the petitioner) that 'Pan' caste comes under Scheduled Caste category and 'Pan' caste is also known as 'Tanti' in the State of Bihar. I find that the impugned order dated 23.11.2011 contained in Annexure-4 and 4/1 are contrary to the constitutional provision contained in Articles 341(1) and 342 of the Constitution."

10. Learned counsel for the appellant-Bank submits that the respondent-writ petitioner was subjected to a departmental proceeding conducted in accordance with law and after affording him adequate opportunity of defence. Upon consideration of the materials on record, the Disciplinary Authority found that the respondent belonged to the "Tanti" caste, a Backward Class category, and not to the Scheduled Caste community "Pan" as declared by him at the time of appointment. Accordingly, the charge of obtaining employment by misrepresenting his caste status was held proved and the penalty of dismissal was rightly imposed.

11. Learned counsel further submits that though the Inquiry Officer exonerated the respondent, the Disciplinary Authority, after issuing a note of disagreement and granting opportunity of representation, validly differed from the enquiry report. Thus, there was complete compliance with the principles of natural justice.

12. It is further submitted that the Appellate



Authority also considered the matter and found no ground to interfere with the punishment imposed. It is, therefore, submitted that the learned Single Judge erred in quashing the disciplinary and appellate orders and directing consequential service and retiral benefits.

13. Per contra, learned counsel for the respondent submits that the respondent was issued a caste certificate by the competent authority and the same was never cancelled or declared invalid by any competent forum. Reliance is also placed upon Memo No. 5374 dated 21.04.2014 issued by the General Administration Department, Government of Bihar, clarifying that “Pan” is a Scheduled Caste and that “Tanti” is commonly known as the same caste group.

14. It is, therefore, submitted that the disciplinary authority proceeded on an erroneous assumption that the respondent belonged to a Backward Class and had wrongly obtained appointment under the Scheduled Caste category. Consequently, the dismissal order as well as the appellate order were rightly set aside by the learned Single Judge.

15. The limited issue which arises for consideration is as to whether the learned Single Judge erred in setting aside the order of dismissal when no contemporaneous document



evidencing misrepresentation by the respondent at the time of appointment was brought on record by appellant- Bank.

16. The entire disciplinary proceeding against the respondent proceeded on the premise that although he had obtained appointment under the Scheduled Caste category by describing himself as belonging to the “Pan” caste, he in fact belonged to the “Tanti” caste, which according to the appellant-Bank was a Backward Class. On such premise, the respondent was charged with having secured employment by misrepresentation and ultimately was ordered with the penalty of dismissal from service.

17. Before advertng to the rival contentions, it would be apposite to notice that the respondent was appointed in the year 1980 whereas the charge-sheet came to be issued only on 10.08.1996, nearly fifteen years after his appointment. During this long period, the respondent continued in service and no dispute regarding his caste status appears to have been raised. Though delay by itself may not invalidate disciplinary proceedings, the fact that the respondent's caste status remained unquestioned for about one and a half decades is a relevant circumstance while examining the allegation of deliberate fraud and misrepresentation.



18. It is also not in dispute that the respondent possessed a caste certificate issued by the competent authority. Significantly, the said certificate was never cancelled, withdrawn, or declared invalid by any authority competent in law. The Supreme Court in *Kumari Madhuri Patil v. Addl. Commissioner, Tribal Development*, reported in (1994) 6 SCC 241, emphasized that questions relating to social status certificates are required to be adjudicated by the competent scrutiny mechanism and until such certificate is invalidated in accordance with law, it carries due legal sanctity. The relevant part of the said order reads as follows:

“13.... It is, therefore, necessary that the certificates issued are scrutinised at the earliest and with utmost expedition and promptitude. For that purpose, it is necessary to streamline the procedure for the issuance of social status certificates, their scrutiny and their approval, which may be the following:

xx xx xx

7. In case the report is in favour of the candidate and found to be genuine and true, no further action need be taken except where the report or the particulars given are procured or found to be false or fraudulently obtained and in the latter event the same procedure as is envisaged in para 6 be followed.

xx xx xx

11. The order passed by the Committee shall be final and conclusive only subject to the proceedings under Article 226 of the Constitution.”

19. In the present case, no material has been brought



on record to show that the respondent's caste certificate was ever cancelled by any competent authority.

20. A further aspect which merits consideration is that although the appellant-Bank has consistently asserted that the respondent actually belonged to the “Tanti” caste and falsely described himself as “Pan” at the time of appointment, no document forming part of the appointment process has been produced before this Court to demonstrate that the respondent himself had declared his caste as “Tanti” or that there existed any contradictory declaration made by him at the relevant time. In fact, despite the serious nature of the allegation, the appellant has not placed on record the original application form, attestation form, service records, or any contemporaneous document evidencing such alleged misrepresentation.

21. The finding that the respondent belonged to the “Tanti” caste primarily emanates from the conclusion recorded by the Disciplinary Authority while differing from the Inquiry Officer. However, a finding recorded in a disciplinary order cannot by itself constitute proof of the foundational fact unless supported by reliable evidence available on record. Significantly, the Inquiry Officer, after conducting a full-



fledged enquiry, had returned a finding on 09.01.2009 that the charge was not proved. Though the Disciplinary Authority was competent to disagree with such finding, as held in ***Punjab National Bank v. Kunj Behari Misra*** reported in (1998) 7 SCC 84, such disagreement must be supported by persuasive material capable of sustaining the ultimate conclusion. The relevant part of the said order reads as follows:

“19... As a result thereof, whenever the disciplinary authority disagrees with the enquiry authority on any article of charge, then before it records its own findings on such charge, it must record its tentative reasons for such disagreement and give to the delinquent officer an opportunity to represent before it records its findings. The report of the enquiry officer containing its findings will have to be conveyed and the delinquent officer will have an opportunity to persuade the disciplinary authority to accept the favourable conclusion of the enquiry officer. The principles of natural justice, as we have already observed, require the authority which has to take a final decision and can impose a penalty, to give an opportunity to the officer charged of misconduct to file a representation before the disciplinary authority records its findings on the charges framed against the officer.”

22. The allegation against the respondent is essentially one of securing public employment by fraud. It is trite that fraud is a serious charge and must be established by clear and convincing evidence.

23. In the present case, apart from the conclusion drawn by the Disciplinary Authority, no contemporaneous



document has been shown to conclusively establish that the respondent knowingly made a false declaration regarding his caste status at the time of appointment.

24. The appellant-Bank has also relied upon reports obtained from the District Administration indicating that the respondent belonged to the "Tanti" caste. Even assuming the said reports to be correct, the question still remains whether such material, in the absence of cancellation of the caste certificate and in the absence of any contemporaneous document evidencing deliberate misrepresentation by the respondent, was sufficient to sustain the extreme penalty of dismissal from service. In our considered view, the learned Single Judge rightly examined this aspect and found the action of the Bank unsustainable.

25. It is noteworthy that the disciplinary proceeding ultimately proceeded on assumptions regarding the respondent's caste status without the appellant producing the primary documents relating to the respondent's appointment. The burden to establish the charge rested upon the employer. In the absence of the best evidence being brought on record, an adverse finding of fraud carrying severe civil consequences could not have been sustained merely on inference.



26. This Court, while exercising Letters Patent Appellate Jurisdiction, does not sit as a court of first instance over the judgment of the learned Single Judge. Interference is ordinarily warranted only when the judgment under appeal suffers from patent illegality, perversity, or manifest error affecting the decision-making process.

27. In view of the discussions made hereinabove, the issue is answered against the appellant-Bank. The finding recorded by the learned Single Judge does not suffer from any legal infirmity warranting interference in the present Letters Patent Appeal.

28. The present intra court appeal is, accordingly, dismissed.

29. Pending application(s), if any, shall also stand disposed of.

(Sudhir Singh, J)

(Ranjan Kumar Jha, J)

Sujit/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	24.06.2026
Transmission Date	

