

IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE ATUL SREEDHARAN

ON THE 8th OF MARCH, 2022

WRIT PETITION No. 27122 of 2021

Between:-

1. ATUL KUMAR TIWARI

.....PETITIONER

(BY SHRI AKSHANSH SHRIVASTAVA, LEARNED COUNSEL)

AND

- 1. THE STATE OF MADHYA PRADESH THROUGH SECRETARY SCHOOL EDUCATION DEPTT. VALLABH BHAWAN BHOPAL (MADHYA PRADESH)**
- 2. COLLECTOR SAGAR DISTT-SAGAR (MADHYA PRADESH)**
- 3. CHIEF EXECUTIVE OFFICER JILA PANCHAYAT SAGAR DISTT-SAGAR (MADHYA PRADESH)**
- 4. DISTRICT EDUCATION OFFICER SAGAR DISTT-SAGAR (MADHYA PRADESH)**
- 5. BLOCK EDUCATION OFFICER TAHSIL AND DISTT SAGAR DISTT-SAGAR (MADHYA PRADESH)**
- 6. KAMLESH KUMAR PANDEY S/O DR. L.N.PANDEY OCCUPATION: SAMVIDA SHIKSHAK SAMVIDA SIKSHAK GOVT. PRIMARY SCHOOL PADRI TOLA VILLAGE PANCHAYAT SURKHI TAHSIL AND DISTT SAGAR (MADHYA PRADESH)**
- 7. RAVI SWARNKAR JANSIKSHAK O/O GOVT. PRIMARY SCHOOL PADRI TOLA, VILLAGE**

**PANCHAYAT SURKHI TAHSIL AND DISTT SAGAR
(MADHYA PRADESH)**

.....RESPONDENT

(BY SHRI AKSHAY PAWAR, LEARNED PANEL LAWYER)

.....
This petition coming on for admission and interim relief this day, the court passed the following:

ORDER

The petitioner has challenged the order passed by the Respondent No. 2 dated 26.10.2021 by which his representation to condone his absence for the period from 2003 to 2006 on the grounds of serious illness and his reinstatement in service, was rejected.

2. The petitioner is a male, aged 42 years, who had passed his higher secondary examination in 1994 from the Government Higher Secondary School, Surkhi, with second division securing 59%. Thereafter, he completed his graduation in B.A. subject in the year 2002 from Bhoj (open) University, Bhopal. Vide order dated 10.01.1997 a resolution was passed by the Permanent Education Committee of Janpad Panchayat, Sagar appointing Guruji (Samvida Shala Shikshak Class-III) in various E.G.S. under the Shiksha Guarantee Scheme. The Petitioner was selected and on 11.01.1997, the Gram Panchayat, Surkhi, issued an appointment order in the name of the petitioner appointing him for a temporary period. On 26.01.1997, the petitioner had taken charge on the post of Guruji in the E.G.S. Centre, Parditola and started his work on 27.01.1997.

Thereafter, the petitioner says that he became a patient of heart disease and was unable to discharge his duties as Guruji (Samvida Shala Shikshak Class-III) in E.G.S. Centre, Parditola, Gram Panchayat, Surkhi. Between 1998 to 2006, the petitioner was taking treatment continuously from various doctors and was away without leave for the duration on account of which, his services were terminated by the respondent.

- 3.** In his declaration at paragraph 2, the petitioner has mentioned that this is the third petition before this Court. Earlier he had filed W.P. No.7274/2013, which was dismissed as withdrawn by his previous counsel without taking any such instructions from the petitioner. Thereafter, the petitioner filed W.P. No.9324/2013, in which this Court had passed the order dated 24.08.2021 by which the petitioner was directed to prefer a detailed representation before the respondent No.2, which has been dismissed by the order impugned in this case.
- 4.** However, learned counsel for the State had pointed out that the petitioner has missed mentioning one more writ petition being W.P. No.17574/2012 by which this Court, vide order dated 29.10.2012, had directed the Collector, Sagar, to decide the representation of the petitioner against his termination on merits within a period of three months from the date of the order.
- 5.** The petitioner has filed several documents relating to his alleged cardiac problem. Several certificates and prescriptions are without the signatures of the doctors and many of the OPD tickets and treatment slips are of the Government run medical institutions.

6. While perusing the documents relating to his affliction this Court realised that the Petitioner maybe a person of immense interest to the medical community. At page 39, is an admission slip issued in the name of the Petitioner by the Samuhik Swasthya Kendra (place not mentioned) dated 29/09/11, wherein it is written **“C/O Amenorrhea 9 month labour pain start since today morning 5 A.M”**. In other words, the Petitioner, a male aged 33 years (as on 29/09/11) was wheeled into the labour room with labour pains. Perhaps, yet another case of immaculate conception with no available details of the messiah born therefrom. The petitioner has unabashedly filed fake documents with utter disdain and disregard for this Court. The document at page 39 clearly reveals that the petitioner has no qualms about making false statements and filing fabricated documents before this Court. In all probability, the Petitioner visited the Primary Health Centre and found the admission slip in question, discarded by the doctor, without the patients name and details, which was picked up by the Petitioner who entered his name and date in space provided and used it as a slip issued to him in order to show that he is undergoing treatment. He apparently was unable to understand the diagnosis requiring admission into the PHC which was written in English.
7. Under the circumstances, it is clear that the petitioner has no case on equity and **his petition is dismissed** as he has approached this Court with tainted hands.
8. However, this Court is also of the opinion that in such cases, the petitioner or the respondent, as the case may be, ought not be

allowed to go scot-free while trying to deceive the Court by filing false statements.

9. Under the circumstances, the **Registrar General** is requested to proceed in accordance with law and file a complaint case before the appropriate Court having jurisdiction to try an offence against the petitioner for offences under Sections 468, 471 and such other provisions under the IPC or any other law in force under which the petitioner may be prosecuted.
10. With the aforesaid, this petition is **dismissed**.

(Atul Sreedharan)
Judge

pnm