

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 31655 of 2012

Arising out of P.S. Case No. -97 Year- 2006 Thana -Garkha
District- SARAN

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Rinki Devi W/o Bacha Singh R/o Vill-Galimapur, P.S.-Garkha,
Distt-Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rajeev Verma, the Circle Officer, Garkha, Saran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhakar Singh, Adv.

For the Opposite Party/s : Md. Aslam Ansari, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 12-02-2015

The Petitioner seeks quashing of the order of cognizance dated 20/21.11.2011 passed by the Judicial Magistrate, Saran at Chapra in Garkha P.S. Case No. 97 of 2006 (Tr. No. 3193 of 2011) on the ground that no offence is made out.

The case of the Block Development Officer, Garkha, Saran is that the Petitioner applied for appointment on the post of Aganbari Sahayika on 04.09.2004 upon which she was appointed and confirmed but later on it was found that the documents given by her were not genuine.

It has been submitted on behalf of the Petitioner that she had actually applied on the post of Sewika and had been appointed contrary to the directions of the

department for selection on such posts. The document which was considered by the authorities for her appointment was genuine and after two year of such appointment this case was filed. Even if the allegation is conceded at best an administrative lapse is made out in the facts of the case. Also, subsequently, the appointment of the Petitioner was set aside.

Considering the aforesaid, the application is allowed and the proceeding as against the Petitioner including the order of cognizance dated 20/21.11.2011 passed by the Judicial Magistrate, Saran at Chapra in Garkha P.S. Case No. 97 of 2006 (Tr. No. 3193 of 2011) is, hereby, set aside.

The Application stands allowed.

However, the quashment of the present proceeding shall have no bearing on any other claim of the Petitioner.

(Anjana Prakash, J.)

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