

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.145 of 2014

Nitu Kumari @ Nitu Devi, wife of Dinesh Tiwary, resident of village Rasulpur Police Station-Rasulpur(Ekma), District-Saran at Chapra. Earlier working as Gram Kachhahari Sachiv under Rasulpur Gram Kachahari(Ekma) District-Saran at Chapra

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.,
2. The District Magistrate, Saran at Chapra
3. The Sub Divisional Magistrate, Sadar Chapra
4. The District Panchayat Raj Officer, Saran at Chapra
5. The Block Development Officer, Ekma, District Saran at Chapra
6. The Sarpanch Gram Kachhahari Rasulpur(Ekma) District-Saran(Chapra)
7. The Mukhiya, Gram Panchayat Raj Rasulpur(Ekma), District-Saran.
8. Ragiri Devi, W/o Sanjay Kumar Thakur, resident of village-Rasulpur, P.S. Rasulpur(Ekma), District-Saran(Chapra)

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. ANIL KUMAR TIWARY & MR YOGENDRA MISHRA

For the Respondent/s : Mr. AJAY BIHARI SINHA

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 03-02-2015

The order impugned, contained in Annexure-6, is not required to be interfered with, because the petitioner herself created problem for herself; she cannot be a domicile or resident of two places at the same time, which is Chapra at Saran as well as Siwan. An enquiry has been made on the allegation that the petitioner is not the permanent resident of Chapra, but had obtained the engagement for assignment as Secretary of Gram Kachhahari on a wrong kind of

presentation with regard to her residence. It has emerged that the petitioner had also applied at Siwan for same kind of engagement. Obviously, two different residential certificates cannot co-exist simultaneously.

It has further emerged, which is evident from the counter-affidavit, that she cannot be given a permanent residential certificate at Chapra for the simple reason that the husband does not own property as such at Saran where she has shown herself to be a permanent resident. The reason for passing the order was called for due to varying stand and position taken by the petitioner. As such, she cannot draw advantage of her conduct playing round with the system.

It is contended by the learned counsel for the petitioner that the complaint itself was time barred and filed after more than one year of selection. The Court opines that suppression and misrepresentation for fraudulent act of such kind does not create any bar for limitation. The fraudulent act from the very beginning will remain so till the end.

The writ application is dismissed.

(Ajay Kumar Tripathi, J)

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