

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.572 of 2011

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1. Ranjana Kumari, Sri Braj Bihari Yadav Siswa Barhi, P.S. Phulparas, Distt. Madhubani

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Human Resources Department, Bihar, Patna
2. The District Superintendent of Education cum District Program Coordinator, Bihar Education Project, Madhubani
3. The Block Education, Extension Officer, Phulparas, Distt. Madhubani
4. The Secretary, Bihar School Examination, Board, Patna
5. Pramukh-cum-Chairman, Employment Unit, Phulparas, District Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Adv.
Mr. Vishwa Nath Ram, Adv.
For the Respondent/s : Mr. Prasoon Sinha, GA2

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 04-10-2016

Heard Ajay Kumar learned counsel for the petitioner and Mr. Prabhat Kumar, A.C. to G.A.11 and counsel for the Examination Board.

The petitioner is aggrieved by the order bearing Memo No.295 dated 1.6.2010 passed by the Block Education Extension Officer-cum-Coordinator Block Sansadhan Centre, Phulparas in the district of Madhubani whereby her appointment to the post of Block teacher has been cancelled on grounds that the Intermediate certificate submitted by the petitioner, was forged. The order is being questioned on grounds that no opportunity was provided to the petitioner to contest



the allegation. A counter affidavit is filed enclosing the merit list and in which it is stated that while the marks sheet of Intermediate submitted by the petitioner showed 726 marks but the actual marks obtained by the petitioner was only 466 and which did not make the petitioner eligible for any appointment since with 466 marks which comes to 51.77%, she would go down below in the merit list of Unreserved (Female) candidates.

Learned counsel for the petitioner has with reference to the rejoinder submitted that there has been no lapse on the part of the petitioner nor has she committed any fraud which is supported from her application present at Annexure-7 series which clearly mentions her marks in Intermediate as 466 which is equivalent to 51.77%. It is further the contention of learned counsel that the petitioner had applied as a Reserved Category candidate which is evident from her application but has been treated as a general candidate in the Unreserved (Female) Category and thus without consideration of the fact whether the marks obtained by the petitioner would entitle her to a consideration against the post meant for Backward Category (Female) post, she has been terminated. Under the orders of the Court, the admission registers has been produced and which clearly reflects that the marks obtained by the petitioner has been tampered with to read as 51.77 % which is also manifest from the counter affidavit at

page 23. Thus even if the argument advanced by Mr. Ajay Kumar learned counsel for the petitioner is accepted that the petitioner is not a party to such interpolation but then she was a beneficiary of the interpolation because it is on the basis of the upgraded marks that she was granted an appointment in the Unreserved Category.

It is also informed by Mr. Prabhat Kumar that the interpolation has led to institution of a criminal case which is another impediment in the way of the petitioner

For the reasons aforementioned, I am not persuaded to grant indulgence. The writ petition is dismissed.

(Jyoti Saran, J)

Bibhash/-

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