

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.362 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 4408 of 2014
Along with
Interlocutory Application No.1715 of 2015

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Shabnam Sahil, Wife of Md. Shahnawaz Alam, Resident of village - Shikarpur,
P.S. Kadwa (Belon), District - Katihar

.... Petitioner- Appellant

Versus

1. The State of Bihar.
2. The Director Department of Social Welfare Government of Bihar, Patna.
3. The Divisional Commissioner, Purnea.
4. The District Magistrate, Katihar.
5. The Deputy Development Commissioner, Katihar.
6. The District Welfare Officer, Katihar.
7. The District Programme Officer, District Katihar.
8. The Block Development officer, Block - Kadwa, District – Katihar.
9. The Sub-Divisional Officer, Barsoi, District – Katihar.
10. The Child Development Project officer, Block - Kadwa, District – Katihar.
11. The Mukhiya of Gram Panchayat Raj Belon, Kadwa, P.S. Kadwa (Balia Belon)
District – Katihar.
12. Musharat Jahan wife of Minhaj Alam, resident of village - Shikarpur, P.S.
Kadwa (Belon), District – Katihar.

.... Respondents-Respondents

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Appearance :

For the Appellant : Mr. Dharendra Kr. Jha, Advocate
Mr. Suresh Prasad Sah @ Baranwal, Advocate

For the Respondents-State : Mr. Manoj Kumar Sinha, A.C. to S.C.-30

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 10-05-2016

Re.: Interlocutory Application No.1715 of 2015

The application is for condonation of delay of 113 days in
filing of the present appeal.

For the reasons mentioned in the application, we find that sufficient cause has been shown by the appellant to condone such delay. Consequently, the delay in filing of the present Letters Patent Appeal is condoned.

Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No.362 of 2015

The order dated 29th August, 2014 passed by the learned Single Bench in C.W.J.C. No.4408 of 2014 is subject matter of challenge in the present Letters Patent Appeal.

The appellant was a candidate for the post of Anganbari Sevika. It has been found that the appellant has produced fictitious educational certificates showing her wrong date of birth and, therefore, her selection was cancelled. Such order has been passed by the District Collector on 9th February, 2012 affirmed by the Divisional Commissioner, Purnea on 10th July, 2013. The learned Single Bench has not interfered with such finding recorded by the authorities.

Learned counsel for the appellant argued that the certificate giving different date of birth was given by the Madarasa Board. Such mistake in the certificate could not be noticed by the appellant, she being a semi-literate lady. Therefore, the contrary date of birth should not have been made basis for her candidature to be cancelled.

We do not find any merit in the argument raised. It is the appellant who has produced the certificate of improvement of her educational qualification. Such certificate gives another date of birth which is at variance with the date of birth earlier given by the appellant. If there was a mistake, it was the duty of the appellant to get the certificate corrected before submitting the same for the purpose of appointment. Once two certificates give two dates of birth, an inference is obvious that the educational certificates produced by the appellant are not reliable.

We do not find any error in the order passed by the learned Single Bench which warrant interference in the present intra Court appeal.

The present Letters Patent Appeal, thus, stands dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	
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