

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2952 of 2013

=====

Poonam Devi Wife Of Girishdeo Dikshit Resident Of Village - Chamari Patti,
Chamari Patti Panchayat, P.S. - Fulwaria, District - Gopalganj

.... Petitioner/s

Versus

1. The State Of Bihar Through The Secretary, Department Of Social Welfare,
Government Of Bihar, Patna
2. The District Magistrate, Gopalganj
3. The District Programme Officer, Gopalganj
4. The Block Development Officer, Fulwaria, District - Gopalganj
5. The Child Development Officer, Block - Fulwaria, District - Gopalganj
6. The Mukhiya, Chamari Patti Panchayat, Fulwaria, District - Gopalganj
7. The Panchayat Secretary, Chamari Patti Panchayat, Fulwaria, District -
Gopalganj
8. Suman Devi Wife Of Brajesh Kumar Dikshit Resident Of Village - Chamari
Patti, Chamari Patti Panchayat, P.S. - Fulwaria, District - Gopalganj
9. Bihar Sanskrit Board, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : None
For the State : None
For the Resp. No.8 : Ms. Vagisha Pragya Vacaknavi, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 26-04-2016

No one appears for the petitioner, nor for the State.

Counsel for the respondent no.8 is present.

Seeing no way out, the case is being disposed of on the
basis of pleadings and materials available on record.

The petitioner is challenging the order dated 23.11.2012
passed by the Appellate Authority, District Magistrate, Gopalganj in
Anganbari Appeal Case No. 49 of 2012, whereby and whereunder, the
appeal of the petitioner has been dismissed.

A prayer has been made for quashing the Memo No. 142 dated 13.4.2012 (Annexure-2) issued by the Child Development Officer, Fulwaria (Gopalganj) by which the private respondent no.8 Suman Devi has been appointed as Anganbari Sevika.

For the post of appointment of Anganbari Sevika for Chamari Patti, Fulwaria Gram Panchayat, an advertisement was notified. In pursuance thereof, five persons applied against the said post and out of five persons, three persons were outsiders away from the feeder area and only two remain in fray for consideration to the post of Anganbari Sevika.

In place of the present petitioner, Suman Devi, respondent no.8, has been appointed. The petitioner claims that she has acquired 44.4% marks whereas Suman Devi has acquired only 37.2% marks. In such view of the matter, having better marks, the petitioner should have been appointed in place of Suman Devi. She filed an appeal before the District Magistrate, Gopalganj who rejected the case of the petitioner on the ground that her husband is a Chairman of the PACS (Primary Agriculture Co-operative Society), being a peoples' representative, she is not entitled for consideration to the post of Anganbari Sevika as close relative of peoples' representatives have been excluded for consideration to the post of Anganbari Sevika. During argument, the writ petitioner has submitted



that a Chairman of the PACS cannot be considered to be a peoples' representative and has placed reliance on a letter dated 5.10.2012 issued by the District Cooperative Officer, Gopalganj to the District Programme Officer wherein it has been mentioned that the Chairman of PACS cannot be said to be peoples' representative and, on that score, a prayer has been made to quash the order of the District Magistrate, Gopalganj who refused to interfere in the matter.

The private respondent has appeared and filed an affidavit. There, a specific plea has been taken that the present petitioner intends to grab the post of Anganbari Sevika on the strength of forged certificate allegedly issued from the Sanskrit Shiksha Board. A statement has been made that the certificate produced by the petitioner is completely fraudulent one. It has been submitted that the school leaving certificate dated 5.4.2010 contains roll code no. 1903, roll no. 403 and year 2004. It has also submitted that the mark-sheet discloses roll code no. 1903, roll no. 403, registration no. 301551/04 of the year 2004 showing to have secured 44.42%. It has further been submitted that the Bihar Sanskrit Shiksha Board has issued the mark-sheet for the same session with the same roll number, code and same registration number to one Sima Devi who has passed out from the said school, namely, Dayashankar Sanskrit Primary and High School, Raghunandanpur, Gopalganj and this fact has not been

brought before this Court by the learned counsel for the petitioner.

In such view of the matter, there is no need to decide the issue whether Chairman of the PACS is a representative of people or not. It will be decided on a different occasion but, the petitioner, who claims appointment on forged certificate, her case cannot be entertained and she cannot be allowed to enter in service on the basis of forged certificate.

In the result, this writ application fails and is, accordingly, dismissed.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.5.2016
Transmission Date	