

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20686 of 2010

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Smt. Nadan Kumari, W/O Sri Sridhar Prasad, R/O Village- Lailakh, Post-
Mamlakha, P.S.- Sabour, District- Bhagalpur

.... Petitioner.

Versus

1. The State of Bihar through Principal Secretary, Department of Welfare, Bihar, Patna
2. Director, I.C.D.S (Integrated Child Development Scheme) Social Welfare Department, New Secretariat, Patna
3. District Magistrate, Bhagalpur
4. District Welfare Cum Programme Officer, Bhagalpur
5. Child Development Programme Officer, Sabour, District- Bhagalpur
6. Block Development Officer, Sabour Block, District- Bhagalpur
7. Mukhiya, Gram Panchayat, Lailakh, Block- Sabour, District- Bhagalpur
8. Laxmi Devi @ Laxmi Kumari, W/O Sri Niranjana Mandal, Village- Lailakh, Post- Mamlakha, Block and P.S.- Sabour, District-Bhagalpur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate

For the Respondent/s : Mr. Anil Kumar Jha, GA2

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 02-03-2016

The petitioner has initially challenged the order as contained in Memo no. 1278, dated 19.10.2010 issued under the signature of District Welfare-cum-Programme Officer, Bhagalpur, (Annexure-1).

2. By filing interlocutory application, bearing I.A. No.4606 of 2013, the petitioner has challenged the order dated 16.12.2011, passed by the appellate authority (Commissioner, Bhagalpur Division, Bhagalpur) in Bhag. Misc. (Aaganbadi) Appeal Case No. 52 of 2010-11.

3. The relief sought for in the interlocutory application would form part of the main writ application.

4. The short facts necessary for disposal of the case is that the petitioner was selected for employment as Anganbari Sevika of Lailakh Centre no. 40, Block Sabour, district Bhagalpur. The private respondent, namely, Laxmi Devi (respondent no.8) challenged the selection of the petitioner on the ground that the former had secured more marks than the writ petitioner before this Court in C.W.J.C. No. 16552 of 2007. The writ application was disposed of on 18.12.2009 with a direction to appear before the Collector of Bhagalpur and file her representation, who would dispose of the same after affording an opportunity to both sides in terms of circular, dated 10.12.2009.

5. The matter was heard by the District Programme Officer, Bhagalpur, who after considering the case of the parties held that the appointment of the petitioner was bad, as the complainant, who is respondent no.8 in this writ application, had secured more marks.

6. The petitioner submits that the Matric certificate produced by respondent no.8 is doubtful, as the same was issued in the year 2003, though she passed Matriculation in the year 1991. The aforesaid matter was overlooked by the District Programme Officer as

well as the appellate authority.

7. Having regard to the facts and circumstances, the matter is remitted to the District Programme Officer, Bhagalpur to verify whether the certificate of respondent no.8 is genuine or not. In case, if the certificate of respondent no.8 is not found genuine, the order of the District Programme Officer, Bhagalpur as well as the appellate authority would stand. In case, the certificate of respondent no.8 is found genuine then in that case, the case of petitioner would be considered afresh. It is expected that the whole exercise should be completed within three months from the date of receipt of a copy of this order.

8. With the aforesaid observation, this application stands disposed of.

(Samarendra Pratap Singh, J.)

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