

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21929 of 2013

=====

Smt. Sanjay Devi Wife of Ramashray Pandey resident of village - Kurhnu, Post Office - Kilani, Police Station - Chand, District - Kaimur (Bhabua).

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Social Welfare Department, Bihar, Patna
2. The Director, Integrated Child Development Scheme, Bihar, Patna
3. The Commissioner, Patna Division, Patna
4. The District Magistrate-Cum-Collector, Kaimur at Bhabua
5. The District Programme Officer, Kaimur at Bhabua
6. The Block Development Officer, Chand, District - Kaimur
7. The Child Development Project Officer, Chand, District - Kaimur
8. Zila Stariya Chayan Samitee, Kaimur at Bhabua, Headed by District Magistrate, Kaimur.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh

For the Respondent/s : Mr. Manish Kumar, AC to GP-28

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 12-05-2016

Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner is challenging the order of Commissioner whereby and whereunder he has refused to give relief to the present petitioner on two grounds, first, the certificate issued by the Bihar Swimming Association was found to be forged and fabricated and another the petitioner cannot be given the bonus point of 5 or 10.

As the claim has been made for winning the award of

State Level in swimming, the Commissioner has taken view that the persons, who were associated with the I.C.D.S., have obtained the National level award or the State level award will only be given the bonus point.

The counsel for the petitioner submits that the letter by which the certificate has been declared to be forged and fabricated, has been cancelled by another letter of Delhi Public School which has been issued by one B.Vinod is in the nature of a certificate with the word "To Whom It May Concern". The petitioner has submitted that the certificate which has been relied by her is a genuine certificate, cannot be examined in the present proceeding and both sides are trailing gun against each other on the strength of their respective certificate and letter, can only be resolved by filing a proper suit and so far the additional bonus point is concerned, this Court does not find any error with regard to the guidelines given by the I.C.D.S as to who will be given the benefit of bonus point.

The counsel for the petitioner submits that the guidelines does not disclose, which class award i.e. National level or State level will carry bonus point, to resolve this issue, it has to be seen the purpose of this guidelines is only for the Anganwari Sevika, must have some relationship with the work of I.C.D.S., not otherwise. The person may obtain some National award or State level award, not

connected with the I.C.D.S., will not of any relevance, while granting the additional bonus to the participant applied for the post of Supervisor.

In such view of the matter, this writ petition does not survive on two grounds, first with regard to certificate if the petitioner so like, she may approach the appropriate Civil Court for redressal of her grievance, with regard to genuineness of the certificate second, the petitioner is not entitled to the additional bonus point on account of her participation in the swimming.

Accordingly, this petition is dismissed.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	19.5.16
Transmission Date	