

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7457 of 2013

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1. Manju Devi W/O Sri Sugreev Prasad Singh R/O Village- Rampur, P.O.-
Singhnian, P.S.- Rajoun, District- Banka

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary Social Welfare Department, Government Of Bihar,
Patna
3. The Director, Social Welfare, Government Of Bihar, Patna
4. The Commissioner, Bhagalpur Division, Bhagalpur
5. The District Magistrate, Banka
6. The District Welfare Officer, Banka
7. The Child Development Project Officer, Banka
8. The Block Development Officer, Rajoun, Banka
9. Savita Devi W/O Sri Prakash Singh R/O Village- Singhnian, P.O.- Singhnian,
P.S.- Rajoun, District- Banka

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Jha,
Mr. Dharendra Nath Jha,
Mr. Chandra Shekhar Sharma, Advocates.
For the State : Mr. Manish Kumar, AC to GP 28
For Respondent no.9 : Mr. Arun Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 02-05-2016

Heard the parties.

In the present writ petition, petitioner is challenging the
order dated 16.9.2011 passed by the District Magistrate, Banka
and order dated 16.8.2012 passed by the Commissioner,
Bhagalpur in Appeal Case No. 50 of 2011-2012 by which he has
dismissed the appeal filed by the petitioner.

In the impugned order the Commissioner has said that the



document presented by the petitioner for the purposes of her appointment as Anganwari Sevika is said to be forged and fabricated document and so much so respondent no.9 has better marks than to the petitioner and her appointment was approved by the Deputy Development Commissioner whereas document that has been placed by the petitioner on the basis of which he was claiming for selection does not bear the signature of the C.D.P.O. which is must and on that score the Commissioner has rejected the appeal of the petitioner.

Learned counsel for the petitioner submits that petitioner is not supposed to state in the writ petition about her higher marks than to respondent no.9. He further submits that he is also not supposed to state that document produced by her was original.

It is unfortunate that both the aforesaid issues were main issues were raised before the Commissioner and Collector, on both issues the Commissioner and Collector have given a negative finding. When this Court has asked whether petitioner has made any statement about genuineness of her document as well as having better marks whereupon learned counsel for the petitioner made a prayer for time. This Court does not find any reason to adjourn the case. When the petitioner

has failed to make any specific averment about the two issues then this Court should not interfere with the order of the Commissioner. Petitioner has not brought any material to show that finding of the Commissioner is wrong and suffers from illegality.

This Court does not find any merit in this writ petition. It is accordingly dismissed.

(Shivaji Pandey, J)

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