

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No 247 of 2013**

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Ganita Devi W/O Shaligram Yadav Resident Of Village- Khut, Koriapatti, P.S.  
Jadia, District- Supaul

.... .... Appellant/s

Versus

1. The State Of Bihar through Chief Secretary, Bihar Government Bihar, Patna
2. The District Magistrate, Supaul
3. The Commissioner, Koshi, Saharsa
4. The C.D.P.O., Triveniganj, District- Supaul
5. The S.D.O., Triveniganj, District- Supaul
6. Ranjana Kumari W/O Sri Ramchandra Yadav Resident of Village- Koriapatti,  
P.S. Jadia, District- Supaul
7. The Panchayat Secretary, Gram Panchayat, Koriapatti, Pachim Block,  
Triveniganj, P.S. Jadia, District- Supaul
9. Secretary, Bihar Sanskrit Board, Patna

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Dr Uma Shankar Pd, Sr Advocate with  
M/s Prafull Chandra Thakur & Dinesh Choudhary, Advs

For the S t a t e : Mr Rakesh Prabhat, AC to SC 21

For the B o a r d : Mr S S Sundaram &  
Ms Kumari Sujata Sinha, Advocates

For Respondent No 6: Mr Arvind Kumar Tewary &  
Ms Mohini Kumari, Advocates

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**CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH**  
**And**  
**HON'BLE JUSTICE SMT NILU AGRAWAL**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)**

**Date: 06-09-2016**

Heard learned counsel for the appellant, learned counsel  
for the State, learned counsel for the Bihar Sanskrit Shiksha Board  
(for brevity, *the Board*) and learned counsel for contesting private

respondent No 6 and, with their consent, this appeal is being disposed of at this stage itself.

**2** The appellant is the unsuccessful writ petitioner and is aggrieved by the order of the learned Single Judge by which her writ petition being *CWJC No 6723 of 2012* has been dismissed on 30.04.2012, virtually on ground of delay. The writ petitioner/appellant had challenged the selection and appointment of respondent No 6 Ranjana Kumari as Angan Bari Sevika as was done on 20.05.2008. The ground for challenge was that the writ petitioner/appellant was shown at serial 2 in the selection list whereas respondent No 6 was shown as serial 1 in the select list. On enquiry by the writ petitioner/appellant, it turned out that the Madhyama certificate on basis of which respondent No 6 was selected, as issued by the Board, was a forged document. Thus, the submission of the writ petitioner was that respondent No 6 had secured the appointment using forged document and, as such, the selection was void and illegal and had to be cancelled. As noted above, the learned Single Judge dismissed the writ petition on ground of laches.

**3** We have considered the matter. To us, there is a settled principle that if non-interference would give sanctity to otherwise an illegality, then interference is required, and the technical ground of laches cannot come in way. If we agree with the learned



Single Judge that the writ petition has to be dismissed on grounds of delay and laches, the effect would be that this Court would be sanctifying an illegality that is an illegal appointment. If the marks sheet on basis of which appointment has been made was found to be forged, by non-interfering, an appointment based on fraud and forged document, would get validity, which can never be permitted, delay or not.

**4** We may note that originally the Board was not made a party. Pursuant to our order, it was made a party and we directed the Board to produce before us the original tabulation register appertaining to Code No 40 which is shown in the marks sheet and the cross list of Madhyama Examination 2001. They were produced. On verification thereof, it revealed that Code No 40 appertains to Patna that is all the Schools of Patna, whose center of examination was at Patna. The marks sheet and the cross list, as produced by respondent No 6, shows her School to be of Supaul. We then asked the Board to produce the TR and the GTR in respect of Schools of Supaul. Those registers have also been produced. These are centres 61 and 62, but the name of the School does not transpire therein, in the said registers for the Madhyama Examination 2001. That being so, it is beyond benefit of doubt that the marks sheet and the cross list, as produced by respondent No 6 to secure her engagement as Angan Bari Sevika, was

clearly based on non-genuine marks sheet. Thus, engagement was obtained illegally. She was not eligible.

**5** We have no option but to allow this intra-Court appeal, set aside the order of the learned Single Judge, allow the writ petition, set aside the selection of respondent No 6 Ranjana Kumari as Angan Bari Sevika and direct the appellant who, as noted above, was No 2 in the selection list, to be appointed in her place.

**6** This should be done by the District Programme Officer within a fortnight of the order of this Court, being produced before him.

**7** The original tabulation registers are returned to the learned counsel for the Board.

**(Navaniti Prasad Singh, J)**

**(Nilu Agrawal, J)**

**M.E.H./-**

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