

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7145 of 2013

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1. Indrakala Devi @ Radha Kumari, wife Dev Narayan Yadav, Resident Of Vill. - Phulwan, Panchayat Katma, Bhurwa, Manigachi, Distt. - Darbhanga

.... Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Social Welfare Department, Government Of Bihar, Patna
2. The District Magistrate, Darbhanga
3. District Programme Officer, Darbhanga
4. The Child Development Officer, Darbhanga
5. The Ex - Mukhiya, Sondai Devi, Panchayat - Raj Katma Bahurwa, Manigachi, Darbhanga
6. Anjali Kumari @ Anjila Kumari D/O Sushil Kumar Yadav

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms. Anju Mishra, Advocate
For the State : Mr. Asit Kumar Jha, AC top GP 6.
For Respondent No.6: Mr. Suraj Narain Yadav, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 04-04-2016

Heard the parties.

From the record it appears that husband of the petitioner approached this Court making a prayer for giving direction for cancellation of appointment of respondent no.6 claiming that the certificate basis for her appointment issued from the Sanskrit Shiksha Board is completely forged and fabricated.

In pursuance of the advertisement for the appointment of Anganwari Sevika of Vill. - Phulwan, Panchayat Katma, Bhurwa, the petitioner and others applied for the appointment of



Anganwari Sevika. Anjali Kumari, Respondent no.6 was selected in the proceeding of Aam Sabha dated 11.5.2007. Then and there petitioner raised objection that respondent no.6 has obtained employment on the strength of forged and fabricated certificate issued from the Bihar Sanskrit Shiksha Board and later on followed her complaint before different authorities. The present writ petitioner was originally filed by the husband of the petitioner and later on the candidates applied for Anganwari Sevika claiming that she has better marks but has been deprived of appointment whereas respondent no.6 on the strength of forged and fabricated certificate has been selected.

In the counter affidavit a plea has been taken by C.D.P.O that appointment has been made not on the basis of the certificate issued from the Sanskrit Shiksha Board but on the strength of the certificate issued by the Bihar School Examination Board.

Learned counsel for the petitioner has drawn the attention of this Court of the first proceeding from where it prima-facie appears that certificate issued by Sanskrit Shiksha Board was the subject matter for consideration and from there itself shows it was subject matter of the enquiry and every thing was done at the behest of Mukhiya. She has drawn the attention of this Court towards letter issued by the present Mukhiya dated 8.9.2012,



namely Poonam Devi where she has stated that original records are not with her as earlier Mukhiya has taken away the original record along with her whereas the C.DPO and private respondent submits that appointment was made not on the strength of the certificate issued from Bihar School Examination Board and using two certificates does not arise. She had filed certificate issued by the Bihar School Examination Board which was not found forged and fabricated and she has been working there.

In course of the argument it has been pointed out by the learned counsel for the respondent that husband of the petitioner approached the C.D.P.O. against the appointment of the petitioner. Further he submits that application filed by the husband has not been mentioned in the writ application. It is nothing but suppression of fact from the side of the petitioner and that petition filed by the husband of the petitioner has been rejected whereas counsel for the petitioner submits that it has not been dismissed but same has been kept pending awaiting the result.

Be that as it may, if the matter is pending before the District Programme Officer, Darbhanga, he is well advised to call for the original records and examine the fact whether at the time of appointment respondent no.6 has filed the certificate issued

from Sanskrit Shiksha Board or from the Bihar School Examination Board. He will give proper opportunity to all the parties to bring on record whatever they like and at the same time the erstwhile Mukhiya, namely Sondai Devi is directed to produce the original record and in failure it will be treated to be contempt of court and court will initiate the contempt proceeding if the original record would not be produced. The District Programme Officer will examine the case of the petitioner and decide the case within a period of six months from the date of receipt/production of a copy of this order.

With the aforesaid observation this writ petition is disposed of.

(Shivaji Pandey, J)

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