

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.124 of 2016

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Gita Devi, D/o - Parama Ram, W/o Manoj Kr. Ram, resident of Vill. - Bara hoga
Yadu Ram Ray Ke Tola, P.S. Gorayakothi, Distt. Siwan, Present resident of Vill. -
Chandi, P.O. - Sikandarpur, P.S. - G.B. Nagar, Tarwara, Block - Barahariya,
District - Siwan.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary-cum-Chief Executive Officer,
Bihar Mahadalit Vikas Mission, Department of Schedule Caste and Schedule
Tribe Welfare, Bihar, Patna.
2. The Mission Director, Bihar Mahadalit Vikas Mission, Bihar, Patna.
3. The Deputy Director, District Welfare Department, Siwan.
4. The Deputy Development Commissioner, Siwan.
5. The District Magistrate, Siwan.
6. District Programme Officer-cum-District Welfare Officer, Siwan.
7. Sub-Divisional Officer, Siwan.
8. Block Development Officer, Barahariya, Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Ambastha, Advocate Mr. Akshay Lal Pandit Mr. Jai Prakash, Advocate Ms. Urbashi Bharti, Advocate
For the Respondent/s	:	Mr. Sanjay Kumar, AC to SC-15

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 03-10-2016

Heard Mr. Binod Kumar Ambastha, learned counsel for
the petitioner and Mr. Sanjay Kumar learned A.C. to S.C.-15.

The petitioner is aggrieved by the order bearing memo no.
102 (R)/K. Sha. dated 30.01.2015 passed by the District Welfare
Officer –cum- District Programme Officer, Siwan whereby her
appointment to the post of Vikas Mitra, Gram Panchayat Raj
Sikandarpur, Block Barharia in the district of Siwan has been set
aside inter alia, on grounds of resting on a forged document. The
order is questioned by Mr. Ambastha on grounds that it has been

passed in violation of principle of natural justice as according to him no notice or opportunity of hearing was granted to the petitioner before the order was passed.

The submission so advanced by Mr. Ambastha does merit consideration requiring a remand of the matter but in view of the submission advanced by Mr. Sanjay Kumar, learned counsel for the State to support the order of termination, a remand becomes a mere completion of formality. It is the argument of learned State Counsel that the very appointment of the petitioner was illegal for she did not possess the basic qualification. Mr. Sanjay Kumar has referred to the guidelines which was in force at the time of appointment of the petitioner vide Annexure-1 on 15.12.2012, which has been enclosed at Annexure-D to the counter affidavit of the State and with reference thereto it is argued by Mr. Sanjay Kumar that the basic qualification for appointment to the post of Vikas Mitra is matriculate or equivalent. He submits that the petitioner in paragraph 4 of her rejoinder has admitted that she appeared in matriculation examination in the year 2008 and 2016 and failed both the times. Meaning thereby the petitioner admits that she is not a matriculate.

I have heard learned counsel for the parties and perused the records.

While the order of termination impugned is resting on submission of forged document by the petitioner to support her

passing of matriculation examination, a copy of which has been enclosed at page 64 of the brief by the State, this plea is being rebutted by Mr. Ambastha to submit that since the petitioner admits that she is not a matriculate, there is no occasion for her to submit a forged document.

Be that as it may the admitted fact is that while the guidelines requires the applicant to hold a qualification of matriculation or equivalent, the petitioner admits that she is not holding such qualification and thus she was not educationally qualified to be appointed as a Vikas Mitra.

For the reasons aforementioned, the order of termination bearing memo no. 102 (R)/K. Sha. dated 30.01.2015 passed by the District Welfare Officer –cum- District Programme Officer, Siwan cannot be faulted with and the writ petition is accordingly dismissed.

(Jyoti Saran, J)

deepika/Siddharth-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	05.10.2016
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