

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1998 of 2014

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1. Mukesh Prasad Sah Son Of Sri Ganesh Prasad Sah Resident Of Village -
Motihat Panchayat Sondiha, P.S. - Barahat, District - Banka

.... Petitioner/s

Versus

1. The State Of Bihar
2. Principal Secretary, Human Resources Development Department, Govt.
Of Bihar, Patna
3. Collector cum Member Secretary, Anushrawan Samittee, Zila Lok
Shiksha Sammittee, Banka
4. District Education Officer cum Member, Anushrawan Samittee, Zila Lok
Shiksha Sammittee, Banka
5. District Programme Officer (Saksharta), Banka
6. Block Education Officer, Barahat, Banka
7. Head Master cum Member Secretary Progressive Middle School,
Panchayat Level Committee, Sondiha, Barahat, Banka
8. Rajesh Yadav, Pramukh, Barahat Block Panchayat Sammittee, Barahat
Banka
9. Kumari Deep Mala, Mukhiya Cum Chairman, Panchayat Level Selection
Committee, Sandiha Dakshini, Barahat, Banka Wife Of Rupesh Das
Sondiha Dakshini Panchayat, Resident Of Village - Badi Bishhar, P.S. -
Barahat, District - Banka

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Kumar Singh

For the Respondent/s : Mr. P.K.Singh, S.C.12

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

6 14-11-2017 Heard both sides.

The petitioner seeks direction commanding the
respondent to act in accordance with law and procedure and to
consider the case of the petitioner for appointment on the post of
Prerak in terms of the direction issued by the District Programme
Officer (Saksharta), Banka.



The petitioner and others applied for different posts in the block and panchayat level and when no appointment was made, the petitioner preferred CWJC No.2185 of 2012. The aforesaid writ petition was disposed of with a direction to the respondents to consider the representation of the petitioner if so filed and pass order in accordance with law. The petitioner filed detailed representation but the concerned respondents did not pass any order. One Guneshwar Manjhi was appointed on the post of Prerak but on the basis of the compliant made by the petitioner, selection of Guneshwar Manjhi was cancelled on the ground that he was also a ward member and even then he was illegally selected on the post of Prerak.

The learned counsel for the petitioner submits that the petitioner attached mark sheet along with his application showing that he got 47% and odd marks. One Usha Devi got highest marks and she could be selected in the general category. The petitioner belongs to EBC category and, therefore, on the second post of Prerak, the petitioner should have been appointed. The learned counsel for the petitioner further submits that the District Programme Officer(Saksharta), Banka vide his letter dated 26.04.2013 directed the Headmaster, Upgraded Middle School Kaitpura, Block-Barahat, District-Banka to make appointment



within three days on the basis of the interview held for the selection on the post of Prerak but even then the authority did not appoint the petitioner and wrote a letter that the petitioner did not file matriculation certificate along with his application and it is further stated in para 10 of the counter-affidavit that the petitioner fraudulently made interpolation in the interview sheet by putting percentage of marks obtained by him in the matriculation examination. The candidature of the petitioner was rejected on the ground that the petitioner did not file the matriculation certificate along with application for appointment/selection for the post of Prerak.

Learned counsel for the State submits that Annexure E and F of the counter-affidavit have made it abundantly clear about the factual aspects of the case. It is apparent that the petitioner did not attach the matriculation certificate along with his application for selection on the post of Prerak. The petitioner also made interpolation in the interview sheet by putting his signature and writing percentage of his marks obtained in the matriculation examination.

Having considered the submissions of both sides, I find that since the petitioner did not attach his matriculation certificate along with the application for selection on the post of Prerak, the



authority concerned has rightly rejected the candidature of the petitioner and wrote to the superior authority to initiate fresh process for appointment on the post of Prerak.

Accordingly, I do not find any merit in this writ petition and the same is dismissed.

(Prabhat Kumar Jha, J)

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