

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1500 of 2016

IN

Civil Writ Jurisdiction Case No. 18474 of 2014

=====

Sawita Kumari, Wife of Ashok Yadav, Resident of Village- Yogidih, Police Station- Khodawanpur, District Begusarai.

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Deptt. of Social Welfare, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Munger.
3. The District Magistrate, Begusarai.
4. The District Programme Officer, Begusarai.
5. The C.D.P.O., Khodawanpur, District- Begusarai.
6. Sanjita Kumari wife of Sudhir Yadav Resident of Village - Yogidih, P.S. - Khodawanpur, District- Begusarai.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Amit Srivastava, Advocate

For the Respondent/s : Mr. Manoj Kumar Ambastha, SC-26

For Respondent No.6 : Mr. Amaresh Kumar Singh, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 20-06-2017

The learned Writ Court has refused to interfere with the matter and in the matter of appointment to the Centre in question has upheld the order dated 25.06.2014 passed by the Divisional Commissioner, Munger on consideration of the fact that under Clause 5 of the Directives issued for appointment for calculating the percentage of marks, only the marks obtained by the candidate in the matriculation or equivalent examination are to be considered and the marks obtained



in additional paper or subject are not to be calculated. In the case of the present appellant, namely Smt.Sawita Kumari, additional marks obtained by her in the additional paper was calculated and thereby Clause 5 was violated at the time of preparation of her merit list and if considering these factors, the Divisional Commissioner and the Writ Court have not interfered into the matter, we see no reason to make any further indulgence into the same as Clause 5, which was applicable at the time of selection, has been correctly interpreted both by the appellate authority, namely the Commissioner, and the Writ Court, and, therefore, we find no error in the same making any further indulgence into the matter. Accordingly, the appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.06.2017
Transmission Date	

