

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.272 of 2017

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Sushila Devi, aged about 28 years, Wife of Dharmendra Ram, resident of Village-
Khairwa Chaubey Tola, Ward No. 3, P.S. Malahi, District- East Champaran.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Social Welfare Department,
Government of Bihar, Patna.
2. The Director, I.C.D.S., Government of Bihar, Patna.
3. The District Magistrate, East Champaran at Motihari.
4. The District Programme Officer, East Champaran at Motihari.
5. C.D.P.O. Paharpur, East Champaran at Motihari.
6. Mukhiya, Tezpurwa Gram Panchayat, P.S.- Malahi, District- East Champaran.
- 6A. The Principal Secretary, Education Department, Govt. of Bihar, Patna
7. Kamlawati Devi, Wife of Vijay Ram, resident of Village- Khairwa Chaubey
Tola, Ward No.- 3, P.S.- Malahi, District- East Champaran.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.
For the Respondent/s : Mr. S.K. Mandal, SC-3
For respondent no.7 : Mr. Suresh Prasad Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 15-09-2017

Heard Mr. Rajesh Kumar, learned counsel for the petitioner,
Mr. S.K.Mandal, learned SC-3, for the State and Mr. Suresh Prasad
Singh, learned counsel for the private respondent.

The petitioner having lost the contest to respondent no.7 in
the selection process for appointment of Anganwari Sevika,
Anganwari Kendra, Ward No.3, Village Khairwa Tola, Gram
Panchayat Tejpura, Block Paharpur, in the district of East Champaran,
has filed the writ petition complaining against genuineness of the



Matriculation certificate produced by the private respondent for her appointment to the post, inter alia, on grounds of being forged and fabricated.

While her contention on the allegation of forgery has been rejected by respondents no. 4 and 5 in the counter affidavit so filed in which at paragraph 10 it is mentioned that the certificate obtained by respondent no.7 from the Central Institute of Open Schooling, Uttar Pradesh was found to be genuine, in so far as the affidavit of the Education Department is concerned, it is mentioned that the Education Department does not recognize the two institutions. Whether the qualification not given recognition by the Education Department would equally apply to the Panchayati Raj Department and/or whether the qualification possessed by the respondent no.7 is acceptable for appointment of Anganwari Sevika, is an issue which at the present stage would be best left open for decision by the statutory authorities concerned under the guidelines.

Since there is an alternative remedy available to the petitioner under the guidelines in force, to question any appointment on the post of Anganwari Sevika, the petitioner, if so advised, may take recourse to the same and exhaust the alternative remedy so available to him, but for the present, this Court would refrain from expressing any opinion whether or not those qualification would be or



would not be sufficient for appointment as an Anganwari Sevika.

The writ petition is disposed of.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.09.2017
Transmission Date	NA

