

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.529 of 2016

Arising out of

Civil Writ Jurisdiction Case No. 13273 of 2015

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Kumkum Kumari Wife of Sri Bambam Singh, Resident of Village - Manjosh,
Police Station - Sikandra, District - Jamui

.... Petitioner / Appellant

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Social Welfare, Government of Bihar, Patna
3. Director, Department of Social Welfare, Government of Bihar, Patna
4. Additional Director, Department of Social Welfare, Munger, Commissioner, Munger
5. District Programme Officer, Jamui
6. District Welfare officer, Jamui
7. Child Development Project officer, Sikandra, District - Jamui
8. Simpi Kumari Wife of Santosh Kumar Resident of village - Manjosh, Police Station - Sikandra, District - Jamui
9. Ranjit Singh Son of Saudagar Singh Resident of village - Manjosh, Police Station - Sikandra, District - Jamui

.... Respondents / Respondents.

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Appearance:

For the Appellant/s : Mr. Binod Kumar, Advocate.

For the Respondents-State: Mr. (SC VI).

For the Respondents 8 & 9: Mr. Ram Vinay Pd. Singh @ Sanjay, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 25-04-2017

Seeking exception to an order dated 27.01.2016 passed by the learned Writ Court in CWJC No. 13273 of 2015, this appeal has been filed under Clause 10 of the Letters Patent. In the matter of appointment of Anganbari Sevika, petitioner's candidature has been rejected and it has been found by the Appellate Authority, namely, Deputy Director, Welfare, Munger that for seeking appointment the



petitioner had used certificates wherein her date of birth has been shown differently; in one certificate, her date of birth is '15.04.1978' and in another certificate her date of birth is '01.01.1990'. That apart certain findings have been recorded to say that she has been using different certificates for different purposes, i.e., one for getting appointment as Asha Karyakarta and second now for his appointment as Anganbari Sevika.

Taking note of all these factors, in the order passed on 20.07.2015 the learned Appellate Authority has refused to interfere into the matter and has cancelled the candidature of the petitioner. Apart from that, the petitioner's case is that in the application submitted by her as also taking note of the fact that her appointment was rejected by the Deputy Director, the Writ Court also took note of these facts and came to the conclusion that the petitioner has not come with clean hands inasmuch as she has used two certificates showing different date of birth and seeking different kinds of appointment. Taking note of these facts, the Writ Court refused to interfere into the matter.

In view of the concurrent findings with regard to different date of birth in the certificates and as the findings are based on appreciation of the materials available on record, we see no reason to interfere with the concurrent findings recorded by the Appellate



Authority and the Writ Court. Accordingly, finding no merit the appeal is dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Dilip, AR

AFR/NAFR	NAFR
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