

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.630 of 2015**

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Kiran Kumari Wife of Vinay Kumar, Resident of Village-Bermi, Post-Bermi, P.S.-Nawada, District-Nawada.

.... .... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Secretary, Social Welfare Department, Government of Bihar, Patna.
3. The Director, Social Welfare Department of Bihar, Patna.
4. The District Magistrate, Nawada.
5. The District Welfare Officer, Nawada.
6. The Child Development Officer, Nawada, District Nawada.
7. The Mukhiya Gram Panchayat Raj Loharpura Block Nawada, District-Nawada.
8. The Panchayat Secretary cum Panchayat Sewak, Gram Panchayat Loharpura, Block Nawada, District Nawada.
9. Prabha Kumari Wife of Arvind Prasad, Resident of Village-Bishunpur, P.S.-Nawada, District-Nawada.
10. Babita Kumari, Wife of Manoranjan Kumar, Resident of Village-Bishunpur, P.S.-Nawada, District-Nawada.

.... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. Sheo Kumar Prasad  
For the Respondent/s : Mr. AC to GA-13

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**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

3      28-01-2017      Heard Sri Alok Kumar Jha, learned counsel, who was assisted by Sri Sheo Kumar Prasad, learned counsel for the petitioner and learned AC to GA-13.

The sole petitioner has approached this Court, invoking its writ jurisdiction under Article-226 of the Constitution of India, with a prayer to quash an order dated 10.07.2013 passed by the District Programme Officer, Nawada in Misc. Case No.03 of 2013 and also against an order passed in Anganbari Appeal



No.27 “K” of 2013 passed by the Deputy Director, Welfare, Magadh Division, Gaya. The District Programme Officer, while rejecting the Miscellaneous Case, which has been filed by the petitioner, had directed either to appoint the second person from the merit list or to take steps for initiation of fresh selection process after fresh advertisement. In the writ petition, the dispute is in relation to appointment on the post of Anganbari Sevika in Bishunpur Centre, Ward no.3, Block-Nawada, District-Nawada.

It is case of the petitioner that in the year 2012, the petitioner participated in the selection process of Anganbari Sevika for the Centre as indicated above. After completion of selection process, a merit list was prepared on the basis of marks obtained. In the said merit list, the petitioner’s name has figured at Serial no.3. The petitioner was shown total merit marks as 48.8 %, whereas the first candidate, namely, Prabha Kumari (Respondent no.9) had obtained merit marks as 68.8 % and second candidate in the list was one Smt. Babita Kumari having merit marks 65.4 %. After publication of the merit list, Smt. Babita Kumari (Respondent no.10), was allowed to join as Anganbari Sevika. However, after some time , as claimed by the petitioner, it was noticed that the first candidate, namely, Prabha Kumari, had committed some fraud and she had shown 344 marks in instead of



244 marks obtained in the Matriculation Examination. With the said allegation, the petitioner filed a case vide Case no.3 (Misc.)/2013 in the court of District Programme Officer, Nawada.

It has been argued that during hearing, the District Programme Officer was satisfied that the first candidate , namely, Prabha Kumari had got appointment by committing fraud by producing forged certificate and the District Programme Officer cancelled the appointment of Respondent no.9 It has been argued by learned counsel for the petitioner that the second candidate , namely, Smt. Babita Kumari due to some other reason was not interested to further proceed with the selection and, as such, the petitioner being at Serial no.3 was required to be appointed against the vacancy, which had occurred after cancellation of appointment of Prabha Kumari( Respondent no.9). He submits that against the order of the District Programme Officer, the petitioner filed an appeal, which was registered as Anganbari Appeal No.27(K)/2013. It has been argued that the appellate authority without examining the matter in detail, rejected the appeal and affirmed the order of the District Programme Officer.

Learned counsel for the petitioner has stated that the District Programme Officer has not noticed any illegality committed by the petitioner. He submits that she was having only



45.8 % in view of her marks obtained in the Matriculation, which was 321. Some error was committed in the office itself and instead of merit point i.e. 45.8, it was incorporated as 48.8, Learned counsel has stated that after cancellation of appointment of Respondent no.9/Prabha Kumari, the petitioner was entitled to be appointed. According to learned counsel for the petitioner, both orders are required to be set aside and direction may be issued for proceeding with the selection process of the petitioner keeping in view the fact that the petitioner is next candidate.

Besides hearing learned counsel for the parties, I have also perused the materials available on record. Fact remains that the District Programme Officer in its order dated 10.07.2013 had categorically noticed that in the selection process, fraud was committed. If in a selection process, fraud is noticed, in normal course, entire selection process vitiates and, thereafter, there is no reason to proceed with the same selection of any other candidate. Moreover, in the present case, it is not in dispute that even the merit point of the petitioner was incorrectly shown as enhanced. The District Programme Officer, while directing for cancelling the appointment of Respondent no.9, has also issued direction to lodge an F.I.R. Since after noticing illegality and fraud committed in the selection process a competent authority has already issued



direction for lodging an F.I.R., certainly no step may be taken for further selection on the basis of such fraud committed in the selection process.

After hearing and considering the facts and circumstances, I do not find any ground to pass favourable order. The petition stands dismissed.

**(Rakesh Kumar, J)**

NKS/-

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