

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1293 of 2016

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1. Rajeshwar Ram Son of Late Hirai Ram, Resident of vilage- Laxmipur
P.s- Laukaha, District-Madhubani.

.... Appellant/s

Versus

1. The State of Bihar , through the Chief Secretary.
2. The Schedule Caste, And Schedule Tribe Welfare Department, Bihar
Mahadalit Vikash Mission Through Project Director, Chief Secretariat
4, Desh Ratna Marg, Patna, Bihar.
3. The Divisional Commissioner, Darbhanga Division, Darbhanga
4. The District Magistrate, Madhubani
5. The District Welfare Officer, Madhubani
6. The Sub-Divisional Officer, Phulparas, District- Madhubani.
7. The Block Development Officer, block- Khutaura, District-Madhubani
8. The Block Welfare Officer, block- Khutaura, District-Madhubani
9. Bihari Ram, son of Khattar Ram, resident of village- Balanpati, P.S.-
Laukaha, District- Madhubani

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Lakshmindra Kumar Yadav

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR

UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

7 03-08-2017 Having heard learned counsel for the parties and

taking note of the averments that are made in the writ petition, we

find that in the matter of appointment of Vikash Mitra in the

Panchayat in question, even though the appellant was at Sl. No. 1

of merit list and the respondent No. 9 was at Sl. No. 14 of merit

list, the respondent No. 9 was appointed and the learned Writ

Court, when challenge to his appointment was made, refused to



interfere on the ground that it is beyond the jurisdiction of Article 226 of the Constitution. However, from the material that has come on record in this appeal, we find that there is dispute with regard to the marks sheet and the qualification acquired by respondent No. 9. It is alleged that the respondent No. 9 by producing a false marks sheet issued by the Bihar School Examination Board, has procured the appointment in question and in the supplementary affidavit filed on behalf of the appellant documents received from the Bihar School Examination Board has been produced to show that the marks sheet, based on which the respondent No. 9 had procured his selection, was not correct one. In fact, he has received 3rd division marks but showing him to have obtained first division work, he has procured the appointment based on certain documents which are not issued by the Examination Board.

That being so, keeping in view the position which now emerges from the supplementary affidavit filed by the appellant, we deem it appropriate to direct the District Magistrate concerned to look into the grievance of the appellant, cause an enquiry with respect to the appointment in question and in case it is found that appointment of respondent No. 9 is illegal and in his place appellant is entitled to the same, pass appropriate order after due enquiry into the matter.



The appellant may file certified copy of this order along with the relevant documents before the District Magistrate and the District Magistrate shall conclude the proceedings as directed herein above within 45 days.

With the aforesaid the appeal stands allowed and disposed of.

(Rajendra Menon, CJ)

S.Pandey/-

(Anil Kumar Upadhyay, J)

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