

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.651 of 2016

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1. Babita Kumari wife of Dharmendra Kumar, resident of Village- Diripar, P.O. Bhathar, P.S. Tharthari, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Nalanda.
2. The District Programme Officer, Nalanda at Biharsharif.
3. The Child Development Project Officer, Block Tharthari, District- Nalanda.
4. Vijay Sarswati, wife of Ram Bachan Prasad, Resident of Village- Diripar, P.S.- Bhathar, Tharthari, District- Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kamla Prasad Roy, Adv.
Mr. Satya Ranjan Sinha, Adv.
For the Respondent/s : Mr. Kumar Manish, S.C.21

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 19-06-2017

Heard Mr. Kamla Prasad Roy, learned counsel for the petitioner and Mr. Kumar Pankaj, A.C. to S.C.5 for the State.

The petitioner questions the appointment of the private respondent to the post of Anganbari Sevika, Diripar, Tharthari, District Nalanda. It is the case of the petitioner that the private respondent has been appointed on forged certificate.

It is the argument of Mr. Roy that apart from the fact that the private respondent had got appointment on the basis of forged documents, there was no occasion for the respondents to disqualify the petitioner because there is nothing to show that the petitioner was



under age on the date when the Aam Sabha was held to consider the appointment.

Mr. Pankaj learned State counsel while responding to the argument has referred to paragraph 6 of the writ petition to submit that only two applications were received for the post inclusive of the petitioner and private respondent and since the petitioner was below the minimum age as on 1.1.2014 which was cut of date fixed for consideration of the case as she had not attained the age of 18 years as calculated from her date of birth which is 12.6.1996 hence she was not considered for appointment.

He submits that a meeting was held on 16.12.2014 and the allegation of the petitioner regarding the forged document submitted by the private respondent was got verified from the Bihar Sanskrit Shiksha Board and the certificates of the private respondent was found to be genuine as evident from letter No.545 dated 24.06.2015 and letter No.870 dated 17.09.2015 placed on record as Annexures- A and B. He thus submits that the private respondent has since been appointed vide Annexure C and is continuing on her post without any hindrance.

Having heard learned counsel for the parties and considering the materials on record where the petitioner stood disqualified on age grounds having not attained the age of 18 years as on 1.1.2014 stated



to be the cut of date fixed by the respondents fixed for calculation of the age, the claim of the petitioner for appointment has been rightly rejected. In so far as the allegation against the private respondent is concerned of having got the appointment on forged grounds, in view of the position clarified at Annexure-A, B and C to the counter affidavit, the said allegation also is put to rest.

The argument of Mr. Roy that the date of Aam Sabha which was held on 16.12.2014 should be the date on which the age of any applicant should be considered, is absolutely misconceived for any qualification on age grounds or educational qualification is to be tested in terms of the advertisement which according to the respondent, in the present case fixed 1.1.2014 as the cut of date. Apart from the fact that there is no rejoinder to the counter affidavit, nothing has been brought on record by Mr. Roy to show that the age should have been calculated as per the date of the meeting held by the Aam Sabha.

For the reasons discussed, the writ petition is dismissed.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.06.2017



Transmission Date	NA
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