

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1657 of 2015

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1. Rina Kumari Shrivastwa W/o Ashok Prasad Srivastava, vill + P.O.- Bhalua, P.S.- Barhariya, District- Siwan.
 2. Usha Devi W/o Devendra Singh, Vill - Naotan, P.O.- Jamo Bazar, District- Siwan.
 3. Shobha Kumari D/o Subhash Prasad Srivastava, Vill + P.O.- Chauki Hssan, District- Siwan.
 4. Babita Kumari D/o Basist Narayan Srivastava, Vill- Barka Teghra, P.O.- Chhotka Teghra, P.S.- Manrajganj, District- Siwan.
 5. Kanchan Kumari W/o Niraj Ojha Vill + P.O.- Gamhariya Pachrukhh, District- Siwan.
 6. Priti Kumari D/o Luxman Lal, Vill.+P.O.- Halsard, Bhagwanpur, District- Siwan.
 7. Garima Kumari D/o Yogendra Kumar Srivastava, Vill+ P.O.- Chorma, Basantpur, Siwan.
 8. Bebi Kumari D/o Ramayan Dubey, Vill.- Near Pakari School, P.O.- Siwan, District- Siwan.
 9. Rubi Kumari D/o Nandkishore Prasad, Vill+P.O.- Kasdeora, Bangra, Marajganj, District- Siwan.
 10. Usha Kumari W/o Sri Vinod Kumar Vill- Saranarayan, P.O.- Dahiara Nishau, Sonpur Chapra.
 11. Sima srivastava W/o Narendra Kumar Sinha, Vill + P.O.- Chorma, Basantpur, District- Siwan.
 12. Mini Kumari W/o Dilip Kumar, Vill.+P.O.- Pakwaliya, District- Siwan.
 13. Mina Kumari W/o Raj Kumar Choudhary, vill- Ramapati, P.O.- Mahrajganj, District- Siwan.
 14. Padmini Kumari D/o Jagat Kishore Prasad, Vill + P.O.- Gamhariya, Pachrukhi, District- Siwan.
 15. Vijeta Kumari W/O Arun Kumar Srivastava, Vill+P.O.- Dumra, Via- Kishunpura, District- Siwan.
 16. Anita Kumari W/o Sri Sanjay Mishra Vill. +P.O.- Khanpur, Khma, District- Chapra
- Petitioners

Versus

1. The State of Bihar.
2. The Secretary Cum Executive Director, State Health Society Bihar Patna.
3. The District Magistrate Cum Secretary District Health Society Siwan.
4. The Civil Surgeon Cum Member Secretary District Health Society Siwan.

.... Respondents

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Appearance :

For the Petitioners : Mr. Md. Ashlam Ansari, Advocate
For the State : Mr. Uday Prasad, AC to GP 22

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 18-06-2018



Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners have prayed for quashing of order no. 7 dated 5.1.2015 (Annexure 2), issued by the District Magistrate cum Secretary & Civil Surgeon-cum-Member Secretary, District Health Committee, Siwan, whereby their selection as ANM (R) has been cancelled on the ground that they have obtained selection on contract on the basis of forged certificate.

Respondent State has filed counter affidavit. It is the submission of the State that in view of the direction of the Executive Director cum Secretary, Health, Patna vide Memo no. 2926 dated 11.4.2014, Office order vide Memo no. 3119 dated 24.4.2014 and Memo No. 6628 dated 12.8.2014 directed for verification of certificates of all the employees appointed on contract basis. In the enquiry, technical certificates of 345 ANMs including the petitioners, was sent for verification to the Registrar, Bihar Paricharika Registration Council, Patna. The Registrar, in turn, vide Letter no. 1166 dated 26.11.2014 (Annexure C to the counter affidavit) reported that registration of 68 ANMs including the petitioners are fake.

Petitioners' counsel has not controverted or disputed the aforesaid facts but submits that the petitioners are the victim as they



had no knowledge of their certificates being fake and forged. State counsel further states that since selection has been obtained on forged and false certificates/registration, the entire selection process in respect of petitioners has been vitiated.

This Court finds that stand of the State has not been controverted by the petitioners nor they have denied the allegation of furnishing forged and false certificates. Considering the aforesaid submissions, there is no scope for this Court to exercise jurisdiction under Article 226 of the Constitution of India in favour of the petitioners since fraud would vitiate all actions and benefits derived as a result of the fraud.

The writ petition is accordingly dismissed.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.6.2018
Transmission Date	NA

