

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18968 of 2010

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Rekha Devi W/o Sri Shambhu Raut R/o Village-Puraina, Panchayat Raj-
Mahadaiya, P.S.+Block-Meenapur, Distt.-Muzaaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Social Welfare Department, Govt. of Bihar, Patna.
2. The Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The Director, Integrated Child Development Scheme, Govt. of Bihar, Patna.
4. The Commissioner, Tirhut Division, Muzaaffarpur.
5. The District Magistrate, Muzaaffarpur.
6. The District Programme Officer, Muzaaffarpur.
7. The Child Development Project Officer, Meenapur, Muzaaffarpur.
8. The District Superintendent of Education, Muzaaffarpur.
9. The Mukhiya, Panchayat Raj Mahadaiya, P.S. + Block-Meenapur, Distt.-Muzaaffarpur.
10. Smt. Sanju Kumari W/o Sanjay Kumar Sahni Village-Puraina, P.S. + Block-Meenapur, Distt.-Muzaaffarpur.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. KRISHNA KANT SINGH

For the Respondent/s : GP-20

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 13-08-2018

The present writ petition has been filed for quashing the order dated 18.10.2010 passed by the learned Commissioner, Tirhut Division, Muzaaffarpur in Service Appeal No. 105 of 2010, whereby the order dated 20.05.2010 passed by the District Magistrate, Muzaaffarpur has been upheld. It may be pertinent to mention that the District Magistrate, Muzaaffarpur had declared the appointment of the petitioner, on the post of Anganwari Sevika, to be illegal since the certificate produced by the petitioner by which the petitioner had claimed to have passed Praveshika (Matric) Examination is non-existent.

The learned counsel for the petitioner has submitted that the finding of



the District Magistrate as upheld by the Collector is not correct inasmuch as the petitioner has got a matric certificate from the Hindi Vidyapeeth, Deoghar (Jharkhand) dated 26.06.2007 and thereafter under the Right to Information Act, the petitioner had sought information from the Hindi Vidyapeeth, Deoghar (Jharkhand) and the Public Information Officer, Hindi Vidyapeeth, Deoghar by its letter dated 30.06.2010 has informed the husband of the petitioner that Smt. Rekha Devi i.e. the petitioner herein had appeared from Balbhadra Sanskrit Mahavidyalaya, Maanikpur, Silout, District-Muzaffarpur and her centre was Sant Prem Bhikshu Inter College, Akharaghat, District-Muzaffarpur where the examination was held and thereafter she had passed the matric examination in second division and her serial no. was 134.

The learned counsel for the private respondent no. 10 has submitted that the said University i.e. the Hindi Vidyapeeth, Deoghar (Jharkhand) is not a recognized University in the State of Bihar for the purposes of grant of employment to those who have obtained matriculation certificate from the said University.

The learned counsel for the petitioner has responded by stating that the General Administration Department, Government of Bihar vide notification dated 08.04.2016 and 24.08.2017 has declared that any appointment made prior to 08.04.2016 on the basis of the certificate issued by the Hindi Vidyapeeth, Deoghar (Jharkhand) shall not be disturbed on the ground that the certificates / degrees issued by the said University is not recognized in the State of Bihar. It is further submitted by the learned counsel for the petitioner that the respondent no. 10 has already approached this Hon'ble Court twice unsuccessfully and



the writ petitions have been dismissed in succession.

Having regard to the facts and circumstances of the case, I find that the order passed by the District Magistrate, Muzaffarpur dated 20.05.2010, as upheld by the Commissioner, Tirhut Division, Muzaffarpur by an order dated 18.10.2010 are not sustainable in the eyes of law, hence are quashed.

The writ petition is allowed.

(Mohit Kumar Shah, J)

S.Sb/-

AFR/NAFR	
CAV DATE	
Uploading Date	31.08.2018
Transmission Date	

