

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.668 of 2015

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Rintu Kumari @ Rintu Devi Wife of Dilip Choudhary Resident of Village-Simri,
P.O.-Sonama, P.S.-Bakhri, Dist.-Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Department of Human Resources, Bihar, Patna.
2. Divisional Commissioner, Munger.
3. District Magistrate, Begusarai.
4. District Education Officer, Begusarai.
5. District Programme Officer, Begusarai.
6. Block Development Officer, Bakhri, Dist.-Begusarai.
7. Child Development Programme Officer, (C.D.P.O.) Bakhri (Prakhand), Dist.-Begusarai.
8. Mukhiya, Gram Panchayat Raj, Ghaghra, (Bakhri), District-Begusarai. null null
9. Panchayat, Secretary, Gram Panchayat Raj Ghaghra, P.S.-Bakhri, Dist.-Begusarai.
10. Kalpana Kumari Wife of-Sunil Rai Resident of Village-Simri, P.O.-Sanama, P.S.-Bakhri, Dist.-Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s	: Mr. Bhupendra Narain Sinha, Advocate Mr. Shailendra Kumar, Advocate Mr. Saket Kumar, Advocate
For the Respondent/s	: Mr. Anil Kumar Singh , GP 26
For the Res 10	: Mr. Pramod Mishra, Advocate Mr. Sabal Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 26-03-2018

Heard learned counsels for the petitioner, respondent State and the respondent no. 10.

2. The appointment of respondent no. 10 was challenged by the writ petitioner alleging that she has been granted additional points on the basis of degree submitted of Hindi Sahitya Sammelan, Allahabad treating the same to be equivalent to Intermediate Degree.



3. It is submitted by the counsel for the petitioner relying upon the judgment in the case of **State of Bihar vs. Mamta Kumari & Ors.**, reported in **2010 (4) PLJR 318** that in light of the said decision since the degree from Hindi Sahitya Semmelan, Allahabad has been held to be unrecognized degree, appointment of the respondent no. 10 on the basis of such qualification should be treated as *void ab-initio*. Further submission is made that since on the basis of such a unrecognized qualification the petitioner has not been granted additional marks, the matter has been considered by the Collector, Begusarai whose order is dated 04.05.2013.

4. From perusal of the said order dated 04.05.2013 this Court finds that the Collector had taken note of the fact that under some orders passed in C.W.J.C. No. 1919 of 2012 appointments made on the basis of qualification of Hindi Sahitya Sammelan, Allahabad up to the year 2008 has been held valid. Considering the fact that the respondent no. 10 was appointed in the year 2005, the Collector has therefore, refused to interfere with the appointment of respondent no. 10 made by giving points for additional qualification of Hindi Sahitya Sammelan.

5. It is not disputed that the respondent no. 10 excluding the said degree from Hindi Sahitya Sammelan was otherwise qualified and eligible for participating in the selection process on the basis of her matriculation examination.

6. Another aspect which has been considered by the Collector in the said order dated 04.05.2013 is that the instant petitioner had not participated in the Aam Sabha but the respondent no. 10 was present there. Such fact has also been noticed by the Commissioner in the Service Appeal No. 29 of 2013 which has been



disposed off under order dated 18.06.2014. The petitioner has not contested or disputed the said fact. Even in the instant writ petition also counsel for the petitioner is not in a position to point out that such finding has ever been disputed or alleged to be wrong.

7. Since the writ petitioner was not before the Aam Sabha the fact that her marks in matriculation Examination was 53.37 % and that of respondent no. 10 was 42% marks has no relevance. Since the petitioner had not appeared in the Aam Sabha she was not a candidate in the process of selection, where the Respondent No. 10 was selected. Thus, even otherwise on the basis of her marks obtained in matriculation Examination, excluding the marks obtained in Hindi Sahitya Sammelan, Allahabad, the Respondent No. 10 was eligible for selection. The respondent no. 10 in the circumstances does not require any additional points on the basis of Hindi Sahitya Sammelan, Allahabad treating the same as equivalent to intermediate so as to put her claim higher than the instant petitioner.

8. This Court finds no reason to interfere with the orders passed by the Collector dated 04.05.2013 and the order dated 18.06.2014 passed by the Commissioner in Service Appeal No. 29 of 2013.

9. The writ petition is therefore, dismissed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	30.03.2018
Transmission Date	

