

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3586 of 2014

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Premlata Rai Wife Of Sri Devendra Kumar Resident Of Village - Mahadeva,
P.O. - Bariarpur, P.S. - Bariarpur, District - Munger

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Welfare Department,
Govt. Of Bihar, Patna
2. The Director, I.C.D.S. Directorate Welfare Department, Bihar, Patna
3. The Commissioner, Munger Division, Munger
4. The District Magistrate, Munger
5. The District Programme Officer, Munger
6. The Child Development Project Officer, Munger
7. Rajni Devi Wife Of Deepak Jayaswal Resident Of Village Mahadeva, P.O.
Bariarpur, District - Munger

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Satish Kumar Sinha, Advocate Mr. Sadanand Paswan, Advocate
For the State	:	Mr. Sanjay Kumar, AC to SC-15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 27-08-2018

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

2. If the allegation contained in the order impugned,
Annexure-10 to the writ petition, is found to be correct, it is a very
serious allegation and not only warrants action in civil side but
also criminal prosecution.

3. Learned counsel for the petitioner, on instruction,
submits that the petitioner has never used any forged certificate in
procuring appointment.



4. In the present case, a counter affidavit has been filed on behalf of the respondents, wherein in paras-4 to 8 following stand has been taken:-

“4. That before giving parawise reply of the instant writ petition it is relevant to state and submit here that the petitioner had applied in the year 2007 for the post of Aangnwari Sevika in Pariya Panchayat of Birpur Block in the name of Pinki Kumari, wife of Shri Devendra Kumar and the name of her father-in-law as Fuchcho Prasad Yadav. She enclosed a photo copy of mark sheet of Matriculation examination issued by the Bihar School Examination Board passed in year 1994 in 2nd Division obtaining total 420 marks, an Admit Card disclosing her date of Birth as 05.01.1980 and name of her father is mentioned as Priyabrat Yadav a photo copy of caste certificate no. 1402 dated 01.06.2006, residential certificate no. 2320 dated 24.05.2006 issued by the BDO Bariyarpur and income certificate no. 977 dated 01.06.2006 showing the Annual income of Rs. 25,000/- issued by the C.O. Bariyarpur respectively and as such it is quite incorrect and false to say that the petitioner had not applied in the year 2007 for selection to the post of Aanganwari Sevika. Hence the statements made in this regard is denied herewith.



5. That in the aforesaid context it is further stated and submitted that subsequently in the year 2009 new advertisement was published inviting application from eligible candidates for selection to the post of Anganwari Sevika in different Aanganwari centre of the Panchayat including Pariya Panchayat bearing Aanganwari Centre No. 29.

6. That pursuant to the aforesaid advertisement of 2009 the petitioner again applied by changing her name as Premlata Rai wife of Devendra Kumar and the name of her father-in-law late Fuchcho Prasad Yadav, enclosing a photo copy of matriculation certificate issued by the Bihar School Examination Board, passed in the year 1994 in first Division, obtained total 551 marks, a photo copy of Admit card disclosing her date of birth 05.02.1980 and the changed name of her father, i.e. Sri Sachidanand Yadav along with a photo copy of caste certificate no. 1402 dated 15.01.2008 Residential certificate no. 2320 dated 15.1.2008 issued by the BDO Bariyarpur and income certificate no. 977 dated 15.01.2008 amounting of Rs. 25,000/- issued by the C.O. Bariyarpur as are evident by the endorsement and signature of the petitioner is on the back of the photocopy of matriculation marks sheet enclosed with the application.



7. That it is stated and submitted that in the aforesaid facts and circumstances the petitioner was asked by the CDPO vide its letter no. 342 dated 03.12.2012 as contained in Annexure-9 to the writ petition to appear before the Collector, Munger, as 05.12.2012 as per instruction of District Magistrate, Munger.

8. That in compliance of the aforementioned letter dated 03.12.2012 the petitioner had appeared on 05.12.2012 before the Collector, Munger but did not produce original caste certificate, original residential certificate and original income certificate. It is relevant to mention here that the BDO Bariyarpur and the Assistant of the office had also appeared with the office copy of the certificate preserved in the office and concerned issue register. The BDO after verifying the certificates of 2008 submitted by the petitioner had confirmed that the same were not issued from his office. Meaning thereby that all the certificates submitted by the petitioner are "Farzi". Accordingly the Collector, Munger after hearing the parties had passed an order dated 05.12.2012 as contained in Annexure-10 to the writ petition in Misc. Case No. 59 of 2011-12 which is just and proper in the eye of law."

5. Under the aforesaid circumstances, although the allegations are serious but the petitioner was not given proper



opportunity and as such the matter is remanded back to the District Programme Officer, Munger to enquire into the matter afresh after hearing the parties and cause an enquiry as to the validity of the certificates used by the petitioner. In the event, it is found that the petitioner has not used any forged certificate, the petitioner shall be entitled to all consequential benefits after reinstatement. In case certificates are found to be forged and not genuine, respondents are at liberty to initiate appropriate proceeding in criminal law against the petitioner for use of the documents which are unauthorised. Final decision in this regard must be taken by the respondents within a maximum period of four months from the date of receipt/production of a copy of this order.

6. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.08.2018
Transmission Date	

