

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6372 of 2016

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Anju Kumari, Wife of Raju Kumar, resident of Village- Pran Dihara, Panchayat- Sahmali Khaira, P.O- Dibhiyan, Block- Karahgar, District- Rohtas.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Welfare Department, Government of Bihar, Patna.
3. The Director, ICDS, Government of Bihar, Patna.
4. The District Magistrate, Rohtas at Sasaram.
5. The Deputy Director, Welfare, Patna Division, Patna.
6. The District Programme officer, Welfare Rohtas, Sasaram.
7. The Child Development Project Officer, Karahgar, Rohtas.
8. Brinda Kumari, Wife of Chandra Shekhar Paswan @ Chandra Shekhar Bharti, resident of Village- Pran Dihara, Panchayat- Sahmall Khaira, P.O- Dibhiyan, Block- Karahgar, District- Rohtas.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rakesh Narayan Singh, Adv.

For the Respondent/s : Mr. Amit Bhushan, AC to GP-17

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 10-05-2018

Heard Mr. Rakesh Narayan Singh, learned counsel for the petitioner and Mr. Amit Bhushan, learned AG to GP-17, for the State.

The petitioner is aggrieved by the appointment of private respondent as Anganwari Sevika, Anganwari Kendra Pran Dihara, Karahgar Block, in the District of Rohtas and the reason canvassed by the petitioner through her counsel is that there are two sets of marks for Matriculation as manifest from the counter affidavit of the respondents themselves at Annexure 'B' and Annexure 'C'.

Mr. Singh, learned counsel for the petitioner, in reference to the marks of the candidates mentioned at Annexure 'B' submits that



the candidate at serial no.10 is the private respondent Brinda Kumari whose Matriculation marks read as 497 of 700 in a merit list of 2011 and the marks of the same candidate given at Annexure 'C' at running page-60 mentions 371 of 700 as it appears from serial no.4 which contains the name of the private respondent. He, thus, submits that there can be only one set of marks which can be said to be correct and the other marks is obviously a fabricated document. He submits that although the issue has been raised by the petitioner before the District Programme Officer but except for being tossed between the District Programme Officer and the Deputy Director, Welfare, the grievance has not been disposed by a speaking order. He makes reference to the order of the District Programme Officer at Annexure 8 to submit that by the letter dated 16.12.2015 the complaint was disposed by the District Programme Officer by simply relying upon a legal opinion of the Government Counsel which is not a lawful disposal.

Mr. Singh is correct on his contention because the opinion expressed by the District Programme Officer, Rohtas in his letter dated 16.12.2015 at Annexure 8 even if, be a communication but is certainly not a lawful disposal by an authority exercising quasi judicial function and thus, is quashed and set aside.

In consequence, I deem it proper to remand the matter to the District Programme Officer, Rohtas at Sasaram for consideration of



the complaint filed by the petitioner afresh and its disposal by a speaking order to be passed in accordance with law after opportunity of hearing to the petitioner as well as the private respondent which order be passed expeditiously and preferably within a period of three months of the receipt/ production of a copy of this order.

The writ petition is allowed.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.05.2018
Transmission Date	NA

