

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1311 of 2017

IN

Civil Writ Jurisdiction Case No. 124 of 2016

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Gita Devi D/o Parama Ram, W/o Manoj Kumar Ram Resident of Village - Barahoga Yadu Ram Ray Ke Tola, P.S. - Goriyakothi, District -Siwan presently resident of Village - Chandi, P.O. - Sikandarpur, P.S. - G.B. Nagar, Tarwara Block - Barahariya, District - Siwan.

.... Appellant/s

Versus

1. The State of Bihar through its Principal Secretary-cum-Chief Executive Officer, Bihar Mahadalit Vikas Mission, Department of Schedule Caste and Schedule Tribe Welfare, Bihar, Patna.
2. The Mission Director, Bihar Mahadalit Vikas Mission, Bihar, Patna.
3. The Deputy Director, District Welfare Department, Siwan.
4. The Deputy Development Commissioner, Siwan.
5. The District Magistrate, Siwan.
6. District Programme Officer-cum-District Welfare Officer, Siwan.
7. Sub-Divisional Officer, Siwan
8. Block Development Officer, Barahariya, Siwan.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. S. Azeem, Advocate

For the Respondent/s : Mr. Dharendra Kumar, A.C. to AAG-6

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 09-04-2018

Challenge in the present Letters Patent Appeal is to the



judgment dated 3.10.2016 passed by learned Writ Court in Civil Writ Jurisdiction Case No.124 of 2016. By the impugned judgment, the learned Writ Court has refused to interfere with the order dated 30.1.2015 passed by the District Welfare Officer-Cum-District Programme Officer, Siwan cancelling the appointment of the petitioner on the post of Vikas Mitra, Gram Panchayat Raj, Sikandarpur, Block- Barhariya in the district of Siwan.

The reason for cancellation of the appointment of the petitioner has been provided in the order of termination as contained in Annexure-5 to the writ application. It states that the appointment of the petitioner is to be cancelled as she obtained the appointment on the basis of a forged certificate. It is the case of the petitioner that the petitioner has passed Class-VIII examination and she claimed her appointment on the post of Vikas Mitra only on the basis of her Class-VIII certificate but by making interpolation/by collusion of the officials, someone being opponent of the petitioner succeeded to attach a forged matric certificate in the application of the petitioner and for that reason her appointment has been cancelled.

It is, however, pointed out that in the year 2012 when the advertisement vide Annexure-12 attached to the supplementary



affidavit filed on behalf of the petitioner in Civil Review No.505 of 2016 was published, the advertisement clearly provided that even though the educational qualification is a matriculate but in case the candidates having requisite qualification or equivalent to that is not found then for woman candidate only those who have passed 8th/7th/6th or 5th Class also shall be considered for selection in order of their merit. The petitioner submits that she submitted her certificate of having passed 8th Class only and, therefore, when she applied for a copy of the same under the Right to Information Act, she was made available the same vide Annexure-10 to the Civil Review application. Attention of this Court has been invited towards a copy of the form available at page-46 of the Civil Review application. It is submitted that on perusal of the form available at page-46 of the Civil Review application, it would appear that the petitioner had not committed any act or omission of forgery and she had correctly provided her educational qualification as 8th passed in the year 2006.

The learned Writ Court refused to interfere with the impugned order in the writ application holding that since the petitioner does not hold a qualification of matriculation or equivalent and she admits that she was not holding such qualification provided for appointment on the post of Vikas Mitra, the order of termination



passed by the District Welfare Officer-Cum-District Programme Officer, Siwan cannot be faulted with.

The judgment of the learned Writ Court has been assailed by learned counsel representing the appellant contending that in terms of the advertisement when the candidates having matriculation certificate were not available, the woman candidates like the present petitioner-appellant who were passed 8th Class was eligible for consideration and hence the view taken by the learned Writ Court is not correct.

On the other hand, learned counsel representing the respondent nos.4 to 8 has opposed the Letters Patent Appeal on the grounds inter alia that the petitioner had secured her appointment on the post of Vikas Mitra on contract basis where under Clause-V provided that in case any of the certificates or the information furnished by the Vikas Mitra candidate is found false, his/her appointment would be liable to be cancelled. Learned counsel submits that the matriculation certificate submitted by the appellant was sent to Bihar School Examination Board, Patna for verification. In turn, the Deputy Secretary (Vigilance), B.S.E.B. vide his letter dated 30.1.2014 as contained in Annexure-B to the counter affidavit informed that the



name of some other students is recorded under Roll Code 9229, Roll No.1033 of the year 2008. The claim of the petitioner that she had submitted 8th Class certificate for selection has been challenged by the answering respondents saying that such claim of the petitioner is not bona fide and is rather fraudulent.

In course of hearing of appeal, we called for the original file and the same has been made available to us for perusal. The file contains inter alia the application form signed by the appellant. It contains her photograph and her signature is also there on the photograph. The educational qualification provided in the form is Matric + Inter. The merit list under the signature of Block Development Officer, Barhariya has also been prepared taking into consideration the educational qualification of the petitioner-appellant as Matric. The original file contains self attested copy of the School Leaving Certificate showing her pass in the matriculation examination and her date of birth has been recorded as 10.7.1992, which was entered in the application form also.

Learned counsel for the appellant has though disputed the copy of the application form kept in the original file, we do not find any reason to disbelieve the same. It is apparent that the petitioner got



selected taking her qualification as matriculate. At this stage, she admits that she is not a matriculate.

Be that as it may, we are not inclined to interfere with the judgment of the learned Writ Court while sitting in our appellate jurisdiction. The Letters Patent Appeal has no merit. It is, accordingly, dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

N.H./-

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