

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2412 of 2014

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Kumari Anita Sharma Wife Of Sri Rajesh Sharma Resident Of Village Mahuawa,
Post - Vrindawan Ashram, Via Chuharee, P.S. - Champattiya, District - West
Champaran

.... **Petitioner**

Versus

1. The State Of Bihar
2. The District Magistrate, West Champaran, Bettiah
3. The District Programme Officer, West Champaran, Bettiah
4. The District Land Acquisition Officer, West Champaran, Bettiah
5. The District Education Superintendent, West Champaran, Bettiah
6. The Deputy Development Commissioner, West Champaran, Bettiah
7. The Civil Surgeon-Cum-Chief Medical Officer, Bettiah
8. The Commissioner, Tirhut Division, Muzaffarpur
9. Preety Kumar D/o Sri Ramji Prasad, posted as Lady Supervisor, Bal Vikash Pariyojna Narkatiyaganj, P.S.- Narkatiyaganj, District- West Champaran, Bettiah (Mobile No. 8271614431)
10. Yasmin Shahnaj D/o Quaium Posted as Lady Supervisor, Bal Vikash Pariyojna Ramnagar, P.S.- Ramnagar, District- West Champaran, Bettiah (Mobile No. 9572750004)
11. Amrita Raj D/o Surendra Prasad Gupta, Posted as Lady Supervisor, Bal Vikash Pariyojna, At & P.O.- Ramnagar, P.S.- Ramnagar, District- West Champaran, Bettiah (Mobile No. 9934447054)
12. Ruchi Kumari D/o Surendra Prasad, Posted as Lady Supervisor, Bal Vikash Pariyojna, At & P.O.- Ramnagar, P.S.- Ramnagar, District- West Champaran, Bettiah (Mobile No. 8987341906)
13. Arti Kumari father's name not known, Posted as Lady Supervisor, Bal Vikash Pariyojna, Bagaha- 2, At & P.O.- Bagha, District- West Champaran, Bettiah (Mobile No. 8757408827)
14. Richa Kumari D/o Nandu Thakur, Posted as Lady Supervisor, Bal Vikash Pariyojna, At, P.O. and P.S.- Bariya, District- West Champaran, Bettiah (Mobile No. 8409924004)
15. Archana Kumari D/o Om Prakash Gupta, Posted as Lady Supervisor, Bal Vikash Pariyojna, At, P.O. and P.S.- Bariya, District- West Champaran, Bettiah (Mobile No. 8935926630)
16. Pooja Kumari D/o Madan Mohan Prasad, Posted as Lady Supervisor, Bal Vikash Pariyojna, Bagaha- 1, At & P.O. & P.S.- Bagaha, District- West Champaran, Bettiah (Mobile No. 8877220544)
17. Arti Kumari Father's name not known, Posted as Lady Supervisor, Bal Vikash Pariyojna, At, P.O. and P.S.- Bariya, District- West Champaran, Bettiah (Mobile No. 9546348264)
18. Smt. Puja Sharma D/o Rajendra Sharma, Posted as Lady Supervisor, Bal Vikash Pariyojna, At, P.O. and P.S.- Lauriya, District- West Champaran, Bettiah (Mobile No. 9033178927)
19. Rani Priyambada D/o Baleshwar Sharma, Posted as Lady Supervisor, Bal Vikash Pariyojna, At, P.O. and P.S.- Bettiah, District- West Champaran, Bettiah (Mobile No. 7654341394)
20. Smt. Bharti Kumar D/o Om Prakash Prasad, Posted as Lady Supervisor, Bal Vikash Pariyojna, At, P.O. and P.S.- Lauriya, District- West Champaran, Bettiah (Mobile No. 8873846940)

.... **Respondents**

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Appearance :

For the Petitioners : Mr. Janardan Singh, Advocate
For the State : Mr. Shiv Kumar, AC to GA 3



For respondents no. 9 to
16 & 19 & 20

: Mr. Sanjeev Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT
Date: 31-07-2018

Heard learned counsel for the petitioner, the State and the private respondents.

2. The petitioner is aggrieved by her disqualification in the selection to the post of Lady Supervisor. She has challenged her disqualification on the ground that the degree of Matric (Madhyama) from Sanskrit Shiksha Board was not derecognized/excluded from the term equivalent under the guidelines of 2010.

3. Learned counsel for the petitioner, relying upon clause (iv) 1 (ka) of the guidelines of 2010, submits that the petitioner's qualification of Matric (Madhyama) from Sanskrit Shiksha Board is also eligible for the appointment in question.

4. Respondent State, on the other hand, submits that during pendency of the writ petition representation of the petitioner has been decided by a detailed order of the District Programme Officer, West Champaran relying upon the same Clause (iv) 1 (ka) of the guidelines dated 10.6.2010.

Clause (iv)1(ka) of the guidelines of 2010 is reproduced herein below:-

“समकक्ष परीक्षा उत्तीर्ण हो किन्तु इसके अंतर्गत तकनीकी शिक्षा की डिग्री (पोलिटेकनिक, यूनानी शिक्षा आदि) भारीरिक शिक्षा, प्राच्यभाषा/ भाषा विज्ञान से संबंधित डिग्री (मौलवी, उप-ग्रास्त्री) तथा स्वैच्छिक संस्थानों द्वारा प्रदत्त समरूप डिग्री (मानव संसाधन विकास विभाग द्वारा वर्णित) महिला पर्यवेक्षिका पद पर नियोजन हेतु सम्मिलित नहीं है।”



5. The petitioner's claim for being appointed on the basis of her qualification of Matric (Madhyama) from Sanskrit Shiksha Board has been found to be ineligible. Respondents have also relied upon the declaration contained in letter dated 14.5.2011 bearing Memo no. 321 issued by the District Magistrate, West Champaran, wherein degrees from such institutions have been held to be ineligible for consideration in the matter of appointment. Order disposing of petitioner's representation dated 30.6.2014 is a detailed order passed on the exclusion of the petitioner's degree under the guidelines of 2010 and has not been challenged by the petitioner.

6. Action taken in light of aforesaid clause contained in guidelines of 2010 thus cannot be challenged by the petitioner. Otherwise, also order passed by the District Programme Officer, West Champaran rejecting petitioner's claim, is based on reasons contained in Annexure 10, as such, this Court is not inclined to interfere with the same.

7. The writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	6.8.2018
Transmission Date	NA

