

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22424 of 2014

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Renu Kumari W/o Pramod Saw Resident of Village Jagatpur, P.S. Nawada
Sadar, District Nawada ... Petitioner

Versus

1. The State of Bihar.
 2. Director, Integrated Child Development Service (I.C.D.S.), Bihar, Patna.
 3. The Collector-cum-District Magistrate, District Nawada.
 4. The Deputy Director, Welfare Magadh Division, District Gaya.
 5. District Programme Officer, District Nawada.
 6. Child Development Programme Officer (C.D.P.O.), Block Sadar, District Nawada.
 7. Manta Devi @ Mamta Devi W/o Munsu Chouhan Resident of Village Ghostawan Tole Jagatpur, Gram Panchayat Paura, P.S. Nawada, District Nawada ... Respondents
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Appearance :

For the Petitioner : Mr. Rajeev Ranjan, Adv.
For the State : Mr. Gyan Prakash Ojha, GP XXII
For respondent no. 7 : M/s J.P. Singh, Abhishek & P.K. Dipak, Advs.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 15-05-2018 Heard learned counsel for the petitioner, the State and respondent no. 7.

This petition has been filed against the order issued by the District Programme Officer, Nawadah, dated 16.06.2014, upon the Miscellaneous Case No. 124 (Misc) Selection of 2013 wherein a challenge has been made to the appointment of the petitioner as Aagan Bari Sevika. The allegation made by respondent no. 7 before the District Programme Officer was that though she had better qualification and was higher in merit by virtue of the marks obtained in matriculation examination, her claim has been ignored and petitioner has been appointed. The admitted position is that the respondent no. 7 secured 48.4



marks whereas the writ petitioner has only 41 marks. Before the District Programme Officer the age of respondent no. 7 was disputed by writ petitioner by saying that from the certificate issued in favour of respondent no. 7's son by the Bihar School Examination Board and on comparing the same with the Madhyama Board's certificate of respondent no. 7, it is evident that the date of birth of respondent no. 7 and the date of birth of her son was differing only by period of eight years. It is submitted that such discrepancy was indicative of the incorrect date of birth of respondent no. 7 and, as such, she was not entitled for any appointment. The District Programme Officer in order to ascertain whether respondent no. 7 was within the requisite age as per the laid down qualification, i.e., between 18 to 40 years, has also constituted the Medical Board to ascertain the age of respondent no. 7 wherein she has been found possessing the requisite age.

It has been submitted by the learned counsel for the petitioner that there is no provision for ascertaining the age by the candidates by constituting Medical Board.

This Court is in agreement with the statement of the learned counsel for the petitioner. However, it is admitted case that as per Madhyama Board's certificate in favour of



respondent no. 7, her date of birth was 20.08.1986. As per the said date of birth she was possessing the requisite qualification at the time when the Aam Sabha was conducted on 18.06.2012. The age of the petitioner being within the requisite age, which is also ascertained by the Medical Board. The same is only additional verification of the requirement as evident from the certificate of Madhyama Board issued in favour of respondent no. 7. Whether the date of birth in the Madhyama certificate is incorrect or that of her son which in the certificate issued by the Bihar School Examination Board may be a collateral issue, but, can not be decided in the proceeding before the District Programme Officer.

This Court is convinced that since Madhyama Board's certificate of the petitioner shows her to be within the requisite age for the appointment in question and since the Medical Board has also corroborated the same, there is no scope for interference with the order passed by the District Programme Officer, Nawadah. On bare perusal of the order passed by the District Programme Officer, dated 16.06.2014, it would further appear that the direction was only to select the eligible candidate as Aagan Bari Sevika. There was no specific direction to select respondent no. 7. It appears that pursuant to the order passed by



the District Programme Officer, dated 16.06.2014, respondent no. 7 has been selected on the basis of the certificate issued by the Madhyama Board and the subsequent selection has not been challenged by the petitioner, therefore, this Court does not consider proper to interfere with the order passed by the District Programme Officer, Nawadah, dated 16.06.2014. Since, the same has not been interfered with by the Deputy Director, Welfare, Magadh Division, in Aangabari Appeal No. 130”Ka” of 2014, there is no occasion for this Court to interfere with the order, dated 21.11.2014, passed therein.

This petition is **dismissed**.

(Madhuresh Prasad, J)

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