

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.69 of 2017

In

Civil Writ Jurisdiction Case No.2338 of 2014

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Mamta Kumari, Wife Of Sri Manoj Kumar Rai, Resident Of Village Jimraha,
Panchayat Ethar Block and Police Station Kusheshwar Asthan East, District
Darbhanga.

... .. Appellant/s

Versus

1. The State Of Bihar through Secretary Human Resources Department, Bihar, Patna.
2. The Commissioner, Darbhanga Division, Darbhanga.
3. The Collector, Darbhanga, at Darbhanga.
4. The C.D.P.O., Kusheshwar Asthan Darbhanga, at Darbhanga.
5. The B.D.O., Kusheshwar Asthan East, Darbhanga, at Darbhanga.
6. The In Charge Medical Officer, Primary Health Centre, Kusheshwar Asthan Darbhanga, at Darbhanga.
7. Kanchan Kumari, @ Rani Devi, W/o Sri Shankar Rai, Resident of Village-Jimraha, Panchyat- Ethar, Block & .P.S.- Kusheshwar Asthan East, District-Darbhanga.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Dr. Anshuman Mr. Prashant Prakash
For the State	:	Mr. P.N. Shahi, Sr. Advocate, AAG 6 Mr. Manish Kumar, AC to AAG 6
For the Respondent No. 7:		Mr. Ugranath Mallick Ms. Nutan Sahay

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 15-05-2018

Heard learned counsel for the appellant, learned
Additional Advocate General No. 6 representing the State as well
as learned counsel for private Respondent No. 7.



Today, the Collector, Darbhanga has appeared in person along with the original records relating to the Anganbari Case No. 5/2012-13 as well as Misc. Case No. 73/2009.

On perusal of the original records, it transpires that the private respondent had obtained appointment as an Asha worker on a different school leaving certificate showing 8th class passed and subsequently, when she was selected as an Anganbari Sevika, she produced yet another certificate from the Sanskrit Shiksha Board showing a different date of birth making a difference of almost 8-10 years.

When confronted with the original material on record, learned counsel for the private respondent submits that though she had undergone training, but she never worked as an Asha worker.

The question is not of working or not working. The question was of the certificate, which was used for begetting engagement as an Asha worker, and then producing yet another certificate of the Sanskrit Shiksha Board with a different date of birth to get employment or engagement as an Anganbari Sevika.

If this is what emerges, then the impugned order dated 14.12.2016, passed by the learned Single Judge on the ground that the Incharge Medical Officer has stated that the private respondent has never worked in the Primary Health Center is not the issue.



The issue is fraud having been played by the private respondent by using two different certificates, which are part of the official records.

In view of the same, the appeal is allowed. The impugned order dated 14.12.2016 is set aside. As a consequence thereof, the order of the Divisional Commissioner, Darbhanga, is also set aside and the order of the District Magistrate, Darbhanga is revived.

The personal presence of the District Magistrate, Darbhanga stands dispensed with.

The original records are returned to the Additional Advocate General No. 6 to be sent back to the District for safe keeping.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

sk-Ragini

AFR/NAFR	NAFR
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