

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2270 of 2019

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Rukhsana Khatoon, aged about 23 years (Female), Wife of Md. Ajruddin,
resident of Village- Inarwa Phulwar, P.O. Inarwa Phulwar, P.S. Lakhaura,
District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Director, I.C.D.S., Bihar at Patna.
2. The District Magistrate, East Champaran at Motihari.
3. The District Programme Officer, East Champaran at Motihari.
4. The Child Development Project Officer, Block Bankatwa, District- East Champaran.
5. Sapna Kumari, Wife of Sri Mantu Prasad, resident of Village- Inarwa Phulwar, P.O.- Inarwa Phulwar, P.S.- Lakhaura, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Adv.
For the Respondent/s : Mr. S.K Mandal, S.C.-3
Ms. Neelam Kumari, AC to S.C.-3
Mr. Ravi Ranjan Kumar Singh, AC to S.C.-3

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 13-02-2019

A supplementary affidavit has been filed during
the course of argument of the present writ petition. Let it be
taken on record.

2. The petitioner is aggrieved by the order



dated 29.06.2018, passed by the District Programme Officer, East Champaran, Motihari (respondent No. 3), whereby the claim of the petitioner that private respondent No. 5 has wrongly been appointed in her place, has been rejected. It appears that though the petitioner has preferred an appeal before the District Magistrate, East Champaran, Motihari (respondent No. 2), but the same has not been responded to. Perhaps, the petitioner has only filed a representation before the Collector against the order of the District Programme Officer, East Champaran, Motihari (respondent No. 3) and not an appeal.

3. It is the case of the petitioner that against an advertisement issued in the year 2013, the petitioner had applied for being appointed on the post of Anganbari Sevika and in the first merit-list, her name was placed at serial No. 1, whereas the name of the private respondent No. 5 was at serial No. 9. It has been submitted by the learned counsel for the petitioner that another merit-list was brought out, in which, the petitioner was wrongly placed at serial No. 2 and the private respondent No. 5 was placed at serial No. 1.



4. The successive representation of the petitioner before the District Programme Officer, East Champaran, Motihari (respondent No. 3) did not yield any result, forcing the petitioner to approach this Court under writ jurisdiction. The petitioner was directed to make proper representation before the District Programme Officer, East Champaran, Motihari (respondent No. 3), which he made, but the claim of the petitioner could not be sustained.

5. It is the specific case of the petitioner that the appointment of the private respondent No. 5 is wrong on two counts; one being that the reservation roster has not been followed and secondly, the private respondent No. 5 has furnished fake and forged educational certificates. The petitioner is further aggrieved by the that despite there being definite evidence of the academic qualifications/certificates of the private respondent No. 5 being fake and forged, the District Programme Officer, East Champaran, Motihari (respondent No. 3) has recorded *prima facie* wrong finding with respect to the aforesaid charge of the petitioner.



6. At this juncture, this Court would not express any opinion with respect to the correctness of petitioner's assertion, in the absence of the petitioner having pressed his statutory second appeal before the Collector, East Champaran, Motihari. The petitioner is, therefore, directed to approach the Collector, East Champaran, Motihari against the order passed by the District Programme Officer, East Champaran, Motihari (respondent No. 3) within a period of two weeks from today. On receipt of such appeal by the petitioner, the same shall be disposed of by the Collector, East Champaran, Motihari, within a period of six weeks thereafter, by a reasoned order.

7. With the aforesaid observation and direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	19.02.2019
Transmission Date	N/A

