

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11662 of 2014

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Ranju Devi wife of Shri Sajan Paswan, resident of village- Mauzi, P.O.-
Mauzi, P.S.- Hasanpur, District- Samastipur

... .. Petitioner

Versus

1. The State Of Bihar through the Secretary, Social Welfare Department,
Government of Bihar, Patna
2. The Director, I.C.D.S., Social Welfare Department, Government of Bihar,
Patna
3. The Divisional Commissioner, Darbhanga Division, Darbhanga
4. The District Magistrate, Samastipur
5. The District Programme Officer, Samastipur
6. The District Welfare Officer, Samastipur
7. The Sub Divisional Officer, Rosera, District- Samastipur
8. The Block Development Officer, Hasanpur, District- Samastipur
9. The Child Development Project Officer, Hasanpur, District- Samastipur
10. The Mukhiya, Gram Panchayat Raj Mauzi, Block- Hasanpur, District-
Samastipur
11. Smt. Renu Devi, wife of Shiv Narayan Prasad Singh, resident of village-
Mauzi, P.O.- Mauzi, P.S.- Hasanpur, District- Samastipur

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Umesh Kumar Mishra
For the Respondent/s	:	Mr.Ga11- Partha Sarthy
For Respondent No. 11	:	Mr. Binod Kumar Ambastha
		Ms. Renu Devi

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 25-02-2019 Heard learned Counsel for the petitioner and the

learned Counsel for the respondent State.

Respondent No. 11 was candidate for selection of
Anganwari Sevika at Centre No. 179 in Village Dushadh Toli,
Gram Panchayat Raj Mauzi, Hasanpur, District Samastipur. Her
claim was not considered on account of alleged overwriting in
her date of birth. The objection was that in stead of 3.1.1963, by
overwriting she has submitted her candidature claiming date of



birth to be 3.11.1963. It was considered that in order to come within the maximum age limit of 40 years respondent No. 11 has committed the said overwriting to gain undue advantage. Respondent No. 11 thereafter approached the authorities up to the District Magistrate claiming that her actual date of birth was 3.11.1963 and that the overwriting was inconsequential which did not give any undue advantage to her. The District Magistrate under order dated 27.1.2011 passed on the appeal filed by respondent No. 11 rejected her claim for the same ground that by resorting to overwriting in her date of birth the petitioner had claimed undue advantage and therefore could not be considered for selection in question.

Respondent No. 11 thereafter has approached the Court of Commissioner, Darbhanga Division, by filing her appeal. The Divisional Commissioner has allowed the claim of respondent No. 11 under order dated 3.8.2013. The claim of respondent No. 11 has been allowed verifying her date of birth from the records as 3.11.1963. On account of the same being found correct, the Divisional Commissioner has concluded that at the time of *Aam Sabha* dated 31.7.2013 respondent No. 11 was duly qualified and had wrongly been excluded from the selection process. The order has been passed after hearing the



writ petitioner who was a party before the Divisional Commissioner.

Counsel for the State points out that Annexures 3 and 4 to the writ petition are the written argument and rejoinder submitted by the petitioner before the Court of Divisional Commissioner, Darbhanga. It is, therefore, submitted that after consideration of relevant material and due opportunity to the petitioner, order has been passed by the Divisional Commissioner.

Counsel for the petitioner is not in a position to dispute the said finding of fact arrived at by the court of Divisional Commissioner, Darbhanga in the order passed in the appeal.

No ground is made out for interference with the orders.

Writ petition is dismissed.

(Madhuresh Prasad, J)

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