

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12211 of 2014

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Rupa Kumari W/o Shubhankar Mandal Resident of Village Maraucha
Bastaul, P.S. Pranpur, District Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, Katihar.
3. The Child Development Project Officer Pranpur, P.S. Pranpur, District Katihar.
4. Nilu Kumari W/o Raj Kumar Mandal Resident of Village Dhirganj, Bastaul, P.S. Pranpur, District Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Suresh Prasad Sah @ Baranwal
For the Respondent/s : Mr.Upendra Kr. Singh, AC to GA 8

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 01-04-2019

Heard learned counsel for the petitioner and learned
counsel for the State.

2. Petitioner has filed this writ petition for quashing the
order dated 22.11.2012 issued by C.D.P.O., Pranpur, Katihar
(respondent no.3) canceling the candidature of the petitioner for
selection as Anganbari Sevika on the ground that she had obtained
Sahitya Alankar degree from Hindi Vidyapith, Deoghar.

3. Learned counsel for the petitioner has relied upon a
decision in the case of Md. Nisar Alam versus The State of Bihar
& others passed in CWJC no. 17042 of 2009. He submits that as
per the same, her claim for appointment on the basis of Sahitya
Alankar degree from Hindi Vidyapith, Deoghar is to be considered



as valid claim as it has been found recognized for appointment as teacher. It is submitted that from averments in the counter affidavit it is clear that LPA no. 1210 of 2010 against the said decision in the case of Md. Nisar Alam is still pending consideration before the Division Bench and so this matter may be placed after disposal of the LPA .

4. State, on the other hand, places reliance on decision of Division Bench, much after the decision in the case of Md Nisar Alam (supra) relied upon by the petitioner. Division Bench in CWJC no. 13836 of 2012 under order dated 27.11.2012 has held that the certificate of Sahitya Alankar degree from Hindi Vidyapith, Deoghar is not recognized for the purpose of appointment/promotion of a teacher.

5. Since as per the subsequent decision of the Division Bench holding the field today degree of the petitioner is not recognized by the State Government, this court finds no infirmity in rejection of candidature of the petitioner.

6. Writ petition is dismissed.

(Madhuresh Prasad, J)

s.hassan/-

AFR/NAFR	NAFR
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