

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6500 of 2019**

=====

Rina Kumari, wife of Sri Ajit Kumar Singh, daughter of Sri Amar Kumar Singh Amar, resident of Village-Bara, Ward No.6, Gwalpara, Gram Panchayat-Khokhasi, P.S.-Gwalpara, District-Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through Principle Secretary, Social Welfare Department Govt. Bihar, Patna.
2. The Principle Secretary, Social Welfare Department Govt. Bihar, Patna.
3. The Director, I.C.D.S. (Social Welfare Department) Govt. Bihar Patna
4. The District Magistrate-cum-Collector, Madhepura, District-Madhepura.
5. The District Programme Officer, Madhepura, District-Madhepura.
6. The Child Development Officer, Gwalpara, Madhepura, District-Madhepura.
7. The Mahila Supervisor, Child Development Project, Gwalpara, District-Madhepura.
8. Rina Kumari, wife of Rajiv Sah, resident of Village-Bara, Ward No.6, Gwalpara, Gram Panchayat-Khokhasi, P.S.-Gwalpara, District-Madhepura.

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate  
For the Respondent/s : Mr. Md. Raisul Haque ( SC-10 )

=====

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL JUDGMENT**

**Date : 23-04-2019**

The petitioner has challenged the orders dated 18.11.2016 passed by the District Programme Officer, Madhepura cancelling the appointment of the petitioner as *Anganbari Sevika* as well as the order dated 09.02.2019 passed by the District Magistrate, Madhepura whereby the order passed by the District Programme Officer has been affirmed and upheld and the appeal of the petitioner has



been rejected.

2. From the records, it appears that the petitioner being adjudged the most suitable candidate was appointed on the post of *Anganbari Sevika* at the concerned centre. The private respondent No. 8, who was placed below the petitioner in the merit list made a complaint before the District Programme Officer, Madhepura alleging that the petitioner had obtained two degrees of *Madhyama* and in the aforesaid two degrees, the dates of birth are different. In one of the certificates which has not been relied upon by the petitioner, the certificate has been issued in the name of the petitioner who is shown as the wife of Ajit Kumar and in which certificate, her date of birth is 09.09.1974. The certificate which has been relied upon by the petitioner has been issued in her name showing her to be daughter of Amar Kumar Singh in which her date of birth is much later i.e. 09.09.1984.

3. While looking into the aforesaid complaint, the certificate in which the petitioner is shown as daughter of Amar Kumar Singh and in which her date of birth has been



shown as 09.09.1984 was sent to the Sanskrit Shiksha Board where it was found that such certificate was validly issued.

4. Only on the aforesaid report, learned counsel for the petitioner submits that the decision arrived at by the District Programme Officer as well as the District Magistrate, Madhepura are not fit to be sustained.

5. What the learned counsel for the petitioner misses to see is that the other certificate of *Madhyama* in the name of the petitioner, who has been shown as wife of Ajit Kumar which in fact is correct statement regarding her marital status, was never put to test and was not sent to the Sanskrit Shiksha Board for confirmation whether such certificate was genuine.

6. However, what strikes this Court is that in the aforesaid certificate in which the name of the father of the petitioner has been shown, the date of birth depicted is as 09.09.1984. The reason for not accepting the correctness of the aforesaid date of birth is that at no forum the petitioner made any efforts of disputing the fact that she has given



birth to two children in the year 1998 when she, according to the age given in the certificate on which reliance has been placed by the petitioner, would have been only fourteen years old. Apart from this, the petitioner has given information about her giving birth to two children and the difference between their dates of birth is only 21 days.

7. Even if it is accepted that the *Madhyama* certificate which has been relied upon by the petitioner is genuine, there was no evidence before the District Programme Officer or the District Magistrate or before this Court to come to the conclusion that the petitioner had never applied for *Madhyama* as wife of Ajit Kumar and the certificate in which the year of birth has been shown as 1974 was a fake certificate.

8. The issue is clinched by the dates of birth of two children of the petitioner which has not been refuted by the petitioner at any stage.

9. Apart from this, the District Programme Officer as well as the District Magistrate, Madhepura have taken note of the fact that in the *Aam Sabha* which was summoned to



recommend the names of the candidates consisted/comprised of persons outside the area. This could have been possible only if the persons belonging to the block would have refused to participate in the *Aam Sabha*.

10. Thus, both the authorities, whose orders have been impugned in the present petition, came to the conclusion that severe irregularities have been committed in the selection process and therefore in their wisdom, they have thought it appropriate to set aside the order of appointment and initiate a fresh process of appointment.

11. This Court finds no fault with the orders dated 18.11.2016 passed by the District Programme Officer, Madhepura as well as the order dated 09.02.2019 passed by the District Magistrate, Madhepura.

12. The writ petition, therefore is dismissed.

**(Ashutosh Kumar, J)**

Shageer/-

|                |            |
|----------------|------------|
| AFR/NAFR       | NAFR       |
| CAV DATE       | NA         |
| Uploading Date | 27/04/2019 |

