

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3414 of 2008

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Seema Srivastava, wife of Bimlesh Kr. Srivastava, Resident of Mollaha Sagar
Pokhra, P.O.+P.S. Bettiah, Dist. West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Human Resources Department, Patna.
3. The Director, Human Resources Department, Patna.
4. The Secretary, Welfare Department, Bihar, Patna.
5. The Director, Welfare Department, Bihar, Patna.
6. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
7. The District Magistrate, West Champaran, Bettiah.
8. The District Education Officer, West Champaran, Bettiah.
9. The District Welfare Officer, West Champaran, Bettiah.
10. The District Programme Officer, West Champaran, Bettiah.
11. The Child Development Project Officer, Bettiah.
12. The Regional Development Officer, Bettiah.
13. Reshma Parveen, S/o not known to the petitioner, Anganwari Sevika Ward
No.26, Bettiah Town, P.O.-P.S. Bettiah, Dist. Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ram Kishun Prasad, Adv.
For the State	:	Mr. Mujtabaul Haque, GP12
		Mr. Manish Kumar, AC to GP12
For the Resp. No.13	:	Mr. Sanjay Kumar No.7

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date : 22-04-2019

Heard learned counsel for the parties.

In this case, the petitioner is challenging the order dated 13.4.2009 contained in File No. East. 4-92/2008 passed by the Commissioner, Tirhut Division affirming the letter dated 13.11.2007 contained in Memo No. 1490 passed by the District Programme Officer, West Champaran which has been challenged vide I.A. No. 1351 of 2011 on the ground that the petitioner was holding the certificate of Intermediate from Hindi Sahitya



Sammellan, Prayag having stated that it is a recognized degree, cannot be a basis for her termination.

The petitioner was appointed as Anganwari Sevika for Anganwari Center No.114, Ward No. 26, Bettiah. A complaint was made by the private respondent to the validity of degree of the petitioner whereupon the District Programme Officer, West Champaran considered the complaint petition and finally the appointment of the petitioner has been canceled by the impugned order dated 13.11.2007 (Annexure-5) and the same was challenged but, unsuccessfully.

Learned counsel for the petitioner submits that the certificate issued by the Hindi Sahitya Sammelan, Prayag is a valid degree in view of Annexure-2, cannot be the basis for her termination. He further submits that the principle of natural justice has not been followed.

Learned counsel for the State submits that the degree for appointment to the post of Anganwari Sevika issued by the Hindi Sahitya Sammelan, Allahabad is not a valid degree, will not be basis for selection to the said post.

Reliance has been placed on the Division Bench judgment of this Court in the case of State of Bihar Vs. Mamta Kumari and others reported in 2010(4) PLJR 318 wherein the



Court has considered the status and validity of the certificate issued by the Hindi Sahitya Sammelan, Prayag and a categorical finding has been given that the degree is not recognized degree by the State of Bihar will not be basis for appointment as Panchayat Teacher, the same qualification has been attached for the Anganbari Sahaika.

In that view of the mater, this Court is of the view that even if this Court finds that the natural justice has not been followed, it will be useless to remit the matter back for reconsideration as the situation would not change to the extent that she has got the entry on the basis of certificate issued by the Hindi Sahitya Sammelan, Prayag and, as such, this Court does not find any merit in the present writ application and the same is, accordingly, dismissed.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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