

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No. 472 of 2019

In

Civil Writ Jurisdiction Case No. 5955 of 2015

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Baby Kumari Wife of Niwas Kumar Sah, Age about 25 years, Gender – female, resident of Village Shisbanni, P.O. - Piparpanti, P.S.- Gogari District Khagaria

... .. Appellant

Versus

1. The State of Bihar through the Collector, Khagaria.
2. The Divisional Commissioner Munger Commissioner, Munger.
3. The Collector Khagaria, District - Khagaria.
4. The Child Development Project Officer (CDPO) Gogari Block, Gogari Khagaria.
5. Urmila Kumari Wife of Diwakar Das Resident of Village- Shisbanni P.O. Piparpanti, P.S. Gogari, District- Khagaria.

... .. Respondents

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Appearance :

For the Appellant/s : Mr. Y.C.Verma, Sr.Adv.
Mr. Nitesh Kumar, Adv.
For the Respondent/s : AC to GA-7

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAKESH KUMAR)

4. 06-08-2019 Heard Sri Y.C.Verma, learned senior counsel assisted by Sri Nitesh Kumar, learned counsel for the appellant and learned A.C. to Govt. Advocate – 7.

2. The present appeal has been preferred against an order passed by the Single Bench dated 05-03-2019 passed in C.W.J.C. No. 5955 of 2015. By the said order, the Single Judge has approved the order passed by the District Magistrate, Khagaria in Misc. Case No. 13 of 2012 and also approved the



order passed by the Divisional Commissioner, Munger in Misc. Service Appeal No. 32 of 2013.

3. Sri Verma, learned senior counsel for the appellant tried to persuade the Court that the District Magistrate has committed error of record. He submits that the appellant was having requisite qualification and was selected as Anganbari Sevika for the Shishwani Ward No. 7. Only error had occurred in the result publication, which was computerized. Her name had not appeared in the computerized sheet of result and subsequently, C.D.P.O. by her own pen had added the name of appellant and as such, the learned senior counsel tried to persuade the Court that the District Magistrate has committed error of record. Accordingly, Sri Verma has prayed for setting aside the order of the District Magistrate, Divisional Commissioner as well as the Single Judge.

4. Learned State counsel has opposed the prayer and submits that there is no error in the order passed by the Single Bench.

5. Besides hearing, we have also perused the material on record. Fact remains that the Single Judge has approved the concurrent findings of two authorities i.e. District Magistrate and Commissioner. Once the Single Bench, while exercising



writ jurisdiction, had not interfered by the concurrent findings of two authorities, in appeal, there is very limited scope for interference. Moreover, it is admitted case that in the result, which was computerized, by pen the name of appellant was inserted. Even if, the submission of learned senior counsel for the appellant is accepted that there was error of record committed by the District Magistrate, in that event, the appellant, instead of approaching higher authority, was required to approach the same authority for correcting the error.

6. Besides this, we have examined the order of the Single Judge, which apparently appears to be valid and correct, and the same requires no interference.

7. The appeal stands dismissed.

(Rakesh Kumar, J.)

(Anjani Kumar Sharan, J.)

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