

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11233 of 2014

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Rinki Kumari Wife of Ajay Kumar resident of Village - Harpurwa Koeri Tola,
P.S. Bajpatti, Dist. Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Integrated Child Development Services Directorate, Bihar,
Patna.
3. The Commissioner, Tirhut division, Muzaffarpur.
4. The District Magistrate, Sitamarhi.
5. The District Programme Officer, Sitamarhi.
6. The Child Development Project Officer, Bajpatti, Dist. Sitamarhi.
7. The Mukhiya, Gram Panchayat Raj, Harpurwa, P.S. Bajpatti, Dist.
Sitamarhi.
8. The Panchayat Secretary, Gram Panchayat Raj, Harpurwa, P.S. Bajpatti,
Dist. Sitamarhi.
9. Renu Devi W/o Amarnath Bhagat Resident of Village - Bhagwanpur
Choube, P.S. Bajpatti, Dist. Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Mahendra Thakur
For the Respondent/s	:	Mr.Prabhakar Jha, GP 27
		Mr. Shanker Kr. Thakur, AC to GP 27

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 08-04-2019

Issue in the instant proceeding is cancellation of petitioner's selection as Anganbari sevika by Commissioner Tirhut Division in Service Appeal no.298/2013. Respondent no. 9 is also claiming selection on the same post. Who is rightful claimant of the post in the center in question, is the issue in the instant proceedings.



In the instant proceeding, State raised an issue against the petitioner alleging that she had obtained selection by fake appointment letter issued by incompetent authority. In response thereto, petitioner has claimed her selection vide letter dated 18.12.2010 issued by the Child Development Project Officer, Bajpatti, Sitamarhi.

Respondents have taken a plea that since register does not mention issuance of letter dated 18.12.2010 which the petitioner claims to be selection order thus the same is a fake one. In the case of Subodh Kumar Prasad vs. State of Bihar, reported in 2001(3) PLJR (SC) 187 the Apex Court, dealing with a similar issue, directed the authority concerned to give opportunity to the affected person and after considering all aspects, decide the matter.

In the circumstance, this court would remand the matter to the Commissioner (respondent no.3). The Commissioner should afford opportunity to the petitioner as well as respondent no.9 and arrive at finding regarding authenticity of selection letter dated 18.12.2010 on the basis of record available in the office and taking into consideration the plea set forth by the petitioner.

The writ petition is disposed off with the aforesaid directions.



Parties are in agreement that they would appear before the Commissioner by 06th May, 2019. In the event, they appear, it is expected that respondent no.3 should consider rival claims of the parties and dispose off the issue by reasoned and speaking order in accordance with law within three months thereafter.

(Madhuresh Prasad, J)

s.hassan/-

AFR/NAFR	
CAV DATE	
Uploading Date	19.4.2019
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