

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13827 of 2019

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Urmila Devi, Wife of Late Ragho Saran Singh @ Ragho Singh Resident of
Village- Kuari Khurd, Police Station- Hajipur Sadar, District- Vaishali at
Hajipur at present posted in the office of Establishment Section Vaishali
Collectoariat at Hajipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of General
Administration, govt. of Bihar, Patna.
2. The District Magistrate Vaishali at Hajipur.
3. The Deputy Collector Establishment Vaishali Collectorate, at Hajipur.
4. The Deputy Collector Nazarat Vaishali Collectorate, at Hajipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Roy

For the Respondent/s : Mr. Md. Nadim Seraj (GP5)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 15-07-2019 Heard Mr. Jitendra Kumar Roy, learned counsel for

the petitioner and Mr. Dhurendra Kumar, AC to GP-5.

The petitioner, who has been appointed under the
orders of this Court as a candidate Peon on Class-IV post,
seeks a direction to the respondent authorities to allot her



work and pay her salary from the date of her appointment.

The petitioner had earlier approached this Court *vide* C.W.J.C. No. 8209 of 2007, which was disposed off on 05.03.2012, directing the District Magistrate, Vaishali at Hajipur to consider the case of the petitioner for her appointment on Class-IV post, which is in the light of her position in the panel and without taking into account the contents of the Circular which mandated a candidate to be appointed to have at least passed Class-VIII examination.

The aforesaid order was passed keeping in mind that such Circular came into existence only after the name of the petitioner was included in the panel and she was being considered regularly for appointment on such Class-IV post. When the petitioner was not considered for such appointment, ignoring the concerned Circular as directed by this Court, a contempt petition was filed, namely, M.J.C. No. 274 of 2014. The Court hearing the matter was informed that an appeal has been filed against the order of the writ court *vide* L.P.A. No. 1665 of 2013. Considering the aforesaid fact, the contempt petition was dismissed with the



direction that after the disposal of the L.P.A., if there is no interference with the order of the writ court, the order shall be complied with. The LPA Court *vide* order dated 26.09.2018 set aside that part of the order of the writ court which directed the concerned respondents for ignoring the Circular of 1997 mandating a candidate to pass Class-VIII examination for being appointed as a Peon / Candidate Peon / Class-IV post. It was, however, observed by the Division Bench in appeal that if at all the certificate of Class – VIII, as furnished by the petitioner, was found to be forged and fabricated, necessary proceeding shall be initiated and without any proceeding, the services of the petitioner would not be terminated.

Nothing has happened till date and the petitioner submits that the matter hangs fire. The petitioner has not been noticed for explaining her cause whether the certificate furnished by her of Class-VIII is forged or genuine.

In that view of the matter, the submission of the petitioner is that ever since she was appointed, no work has been allotted to her and that also not because of her fault



but only because of no decision having been taken in this regard or enquiry conducted with respect to the correctness of the 8th class certificate and therefore she be paid her salary now.

This Court is not inclined to accept the aforesaid request of the petitioner.

All that this Court can direct the District Magistrate, Vaishali at Hajipur is to complete the inquiry about the genuineness of the Class VIII certificate furnished by the petitioner and thereafter necessary reasoned order be passed within a period of three months. If it is found that there is no cloud over the certificate of Class-VIII produced by the petitioner, she would be paid her salary from the date when she was appointed.

For the benefit of the petitioner as also the concerned respondents, the petitioner shall bring to the notice of the concerned respondent a copy of this order and a representation within a period of two weeks from the date of passing of this order.

With the aforesaid observation / direction, this



petition stands disposed off.

(Ashutosh Kumar, J)

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