

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18310 of 2019

Nutan Kumari, Wife of Ashok Kumar, resident of Kairiya, P.S. Amaur,
District- Purnea.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Social Welfare Deptt. Patna.
2. The District Magistrate, Purnea.
3. The District Programme Officer, Purnea.
4. The Child Development Project Officer, Amaur, District- Purnea.
5. Madhu Rani Kumari, Wife of Subhas Kumar Biswas, resident of Village- Kairiya, P.S.- Amaur, District- Purnea.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Jagdish Prasad, Advocate Mr. Bijendra Kumar Singh, Advocate Mr. Sujit Kumar, Advocate
For the Respondent State:		Mr. Md.Raisul Haque, SC-10

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 19-09-2019 The matter relates to appointment of Anganbari Sevika of Anganbari Centre No.157 of Gram Panchayat Raj Dalmalpur in the district of Purnea. In the general body meeting, held on 26.04.2017 for the said selection, a merit list was prepared. Respondent No.5 was placed at Sl. No. 1 in the merit list, whereas the petitioner at Sl. No. 2.

Respondent No. 5 was appointed on the basis of the marks, which she had obtained in Madhyama examination held by the Bihar Sanskrit Shiksha Board. Her certificate showed that she had obtained 562 marks out of 700 as student of Maheshwari Devi Sanskrit High School, Madanpur, Araria, with



Code No. 3304, serial No.0383.

The petitioner put to challenge the selection of respondent No.5 as Anganbari Sevika mainly on the ground that with same roll code and roll number as well as registration number, one Madhulata Devi was possessing a certificate of having passed Madhyama examination held by the same Board. On the basis of said plea, the petitioner filed a petition before the District Programme Officer, Purnea, alleging that the Madhyama certificate of respondent No.5 was forged and fabricated. Respondent No. 5 appeared before the District Programme Officer, Purnea, and disputed the petitioner's claim that her certificate was forged. The District Programme Officer disposed of the petitioner's representation by his order dated 26.04.2017 with a direction to the Child Development Project Officer, Amour, to ensure verification of the certificate of respondent No.5, by sending special messenger and if her certificate was found to be forged, steps be taken in accordance with 2016 Guidelines issued in this regard.

The petitioner, instead of waiting for the verification of the certificate of respondent No.5, filed an appeal against the order dated 26.04.2017 before the Collector, Purnea, giving rise to Service Appeal No. 16 of 2017, which has been dismissed by



an order dated 17.05.2018 and is impugned in the present writ application.

Mr. Jagdish Prasad, learned counsel appearing on behalf of the petitioner, has submitted that since the Madhyama certificate issued in favour of one Kadhulata Devi tallies in all respect with the Madhyama certificate of the respondent No.5, the appellate authority ought to have held the certificate of respondent No.5 to be forged and fabricated.

The submission so advanced on behalf of the petitioner is apparently illogical. Whether the certificate of respondent No. 5 is forged or that of said Madhulata Devi is a question of fact, verifiable from the records of Sanskrit Shiksha Board. On perusal of the order of the appellate authority, I notice that the Child Development Project Officer had submitted her report to the District Programme Officer in the light of his order dated 16.04.2017, from which it appears that verification of certificate of respondent No. 5 was carried out and an enquiry report was sent by the Board recording that the certificate of respondent No. 5 was not forged. Taking into account the report of the Child Development Project Officer, based on information furnished by the Board, the District Magistrate has dismissed the appeal by the impugned order dated 17.05.2018.



The impugned order, in my opinion, does not suffer from any illegality, requiring this Court’s interference.

This application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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