

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21634 of 2019

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Suman Kumari, Wife of Sri Ranjeet Kumar @ Ranjit Kumar, Resident of
Village- Zafra Panchayat Block- Belaganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Social Welfare Department,
Government of Bihar.
2. The Principal Secretary, Social Welfare Department, Government of Bihar.
3. The District Magistrate, Gaya.
4. The District Programme Officer, Gaya.
5. The Child Development Project Officer, Belaganj, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Kumar, Advocate
For the Respondent/s : Mr.S.K.Mandal (SC-3)
Mr. Arjun Prasad, AC to SC-3

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 07-11-2019 Heard learned counsel for the parties.

2. This writ application has been filed seeking quashing of letter No. 307 dated 31.07.2019, issued by Child Development Project Officer, Belaganj whereby he is said to have superseded an order of the District Programme Officer.

3. Learned counsel appearing on behalf of the petitioner has submitted that the Child Development Project Officer in no circumstance could have taken a decision contrary to the decision of his/ her superior i.e. District Programme Officer.

4. The petitioner was selected as *Anganwari Sevika* on



the basis of her educational qualification of having passed 10th examination conducted by 'Jharkhand State Open School'. From the order of the District Programme Officer dated 17.07.2018, it transpires that on the basis of the information available on the website of Jharkhand State Open School, the petitioner's qualification of having passed 10th examination had been held to be a recognised qualification.

5. The question as to whether Jharkhand State Open School, Ranchi is a recognised Board or not has been subject-matter of dispute before this Court in CWJC No. 18654 of 2019 and another analogous case, which has been dismissed by an order dated 04.11.2019, relevant portion of which reads thus :-

"The petitioners claim that they hold the qualification of having passed the said examination on the basis of a certificate issued by Jharkhand State Open School, Ranchi. On the ground that Jharkhand State Open School, Ranchi, is not one of the Examination Boards recognized by the Council of Board of School Education in India (COBSE), the Child Development Project Officer has stayed their selection. It is the petitioners' case that the name of Jharkhand State Open School, Ranchi, figures at Sl. No. 24 of the Examination Boards recognized by COBSE. The said statement of the petitioners cannot be accepted on perusal of the list of Boards of School Education, recognized by COBSE.



Name of Jharkhand Academic Council,
Ranchi, though finds place at Sl. No. 24,
Jharkhand State Open School, Ranchi,
does not figure at all in the said list.”
(emphasis supplied)

6. In view of the clear finding recorded by this Court in the order dated 04.11.2019, the petitioner cannot be said to have acquired requisite qualification from a recognised Board. The ground which has been taken in the present writ application to assail the impugned action, has thus become irrelevant. This application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

Rajesh/-

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