

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15638 of 2011

AFSHANA PRAVIN @ BIBI ISHRATI BEGUM @ BIBI SHABANA KHATOON, W/O Anayattullah, Resident of Village-Bhokarahi, P.O.-Kadampura, P.S.-Kishanpur, District-Supaul.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Commissioner, Koshi Division, Saharsa.
3. The District Magistrate, Supaul.
4. The Sub Divisional Officer, Supaul
5. The District Programme Officer, Supaul.
6. The Child Development Project Officer, Kishanpur, Supaul
7. The Mukhiya, Katahara Kadampura Gram-Panchayat, Kishanpur, Supaul.
8. The Panchayat Secretary, Katahara Kadampura Gram Panchayat, Kishanpur, Supaul.
9. Nazrana Begum, wife of Md. Naushad Alam, resident of village Bhokarahi, P.O. Kadampur, P.S. Kishanpur, Distt. Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kinkar Kumar, Advocate
For the Respondent/s : Mr. V.M.K Sinha AAG-13

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

10 20-02-2020 Heard learned counsel for the parties.

2. The petitioner is seeking quashing of an order dated 24.06.2011 passed in Case No. 08/2011 by the District Magistrate, Supaul, whereby he has rejected the petitioner's claim to continue as *Anganbari Sevika* of Centre No. 133 of village *Bhokharahi* under *Kataharana Kadampur Gram Panchayat* in the District of Supaul. It appears from the averments made in the writ application and in the counter



affidavit filed on behalf of the Respondents that in selection process was initiated for engaging *Anganbari Sevika* in 2008, the petitioner had applied along with six other candidates. A merit list was prepared in which the petitioner was placed at Sl. No. 1. Subsequently, respondent No. 9 filed a complaint before the District Magistrate, Supaul, alleging that the petitioner's actual name was Bibi Ishrati Begum and she had got herself selected on the strength of forged certificates of another lady, namely, Afshana Pravin, wife of Md. Hidayatullah who is elder brother of the petitioner's husband.

3. The Sub Divisional Officer had conducted an enquiry and found the allegation to be correct. He accordingly submitted his report to the District Magistrate, Supaul. Accepting the report of the Sub Divisional Officer, the District Magistrate, Supaul, by an order dated 27.11.2019, cancelled the petitioner's engagement. The said decision of the District Magistrate, Supaul, was subsequently affirmed by the Commissioner, Purnea cum Koshi Division, Saharsa.

4. A writ application was filed by the petitioner giving rise to CWJC No. 7115 of 2010 challenging the order of the District Magistrate and the Commissioner which was disposed of on 20.01.2011 with a direction to the Sub Divisional



Officer, Supaul, to conduct a fresh enquiry. The District Magistrate was asked to take a decision afresh on the basis of the report of the Sub Divisional Officer. The Sub Divisional Officer, again submitted his report recording his finding that the documents in support of educational qualifications furnished by the petitioner for her selection were not genuine. Accepting the said report, the District Magistrate, passed the impugned order dated 24.06.2011.

5. In the counter affidavit filed on behalf of the State of Bihar, it has been stated that it was in the light of this Court's order dated 20.01.2011 passed in CWJC No. 7115 of 2010, an enquiry was conducted by the Sub Divisional Officer. In the enquiry so conducted, the petitioner and the concerned Child Development Project Officer, Kishanpur, had participated. It has further been stated in the counter affidavit that in course of enquiry on 11.04.2011, two females claiming to be Afshana Pravin appeared, one of them, was daughter of Md. Siddique, wife of Hidayatullah, and second one, daughter of Md. Firoz Alam, wife of Anayatullah. The lady who claimed to be the daughter of Md. Siddique, wife of Hidayatullah, in her statement before the Sub Divisional Officer stated that she was not literate and, therefore, she had not produced any document



relating to educational qualification. The other lady, daughter of Md. Firoz Alam, wife of Anayatullah, could not answer as to from which *Madarsa* she had studied and how much marks she had obtained in the *Madarsa* and *Fokania* examination. She could not even say as to in which year she had passed the examination.

6. It has further been mentioned in the counter affidavit that one Shabana Khatoon, daughter of Firoz Alam, had appeared in *Madarsa* examination in 2000, in which her date of birth was recorded as 17.01.1986. As per the second certificate of *Madarsa* examination 2000, her name is Afshana. The complainant, in order to support her allegation submitted voter list of 2006, 2007 along with nomination paper which were filed during election for the post of *Zila Parishad*.

7. Considering these materials and other documents, the Sub Divisional Officer, reached a conclusion that certificates as submitted in the name of Afshana Pravin @ Ishrati Begum @ Shabana Khatoon were not duly issued in her favour rather the same were forged certificates fabricated for her selection for the post of *Anganbari Sevika*. It has also been mentioned in the counter affidavit that on perusal of application of the petitioner which was submitted for her selection as *Anganbari Sevika*, in



the column of educational qualification, she had mentioned that she had passed matriculation examination in 2000 held by the Bihar School Examination Board, Patna, whereas she had annexed her certificate issued by Board of *Madarsa*.

8. The facts, which have been asserted in the counter affidavit, have not been disputed by the petitioner by filing any reply and, thus, have remained uncontroverted.

9. In view of the facts which have remained uncontroverted, in my opinion, there is no requirement for this Court to interfere with the impugned order.

10. This writ application is, accordingly, dismissed, being devoid of merit.

(Chakradhari Sharan Singh, J.)

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