

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 23118 of 2019

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Gaytri Kumari @ Gaytri Devi wife of- Ram Shankar Mahto resident of
Village Parna, Police Station- Neema Chandpura, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Social Welfare Department, Government of Bihar, Patna.
4. The Director, ICDS, Social Welfare Department, Government of Bihar, Patna.
5. The Deputy Director, Welfare, Munger Division, Munger.
6. The District Programme Officer, I.C.D.S. Cell, Begusarai.
7. The Child Development Project Officer, Begusarai, Rural.
8. Rekha Kumari wife of Amarjeet Yadav Resident of Village- Parna, Police Station- Neema Chandpura, District- Begusarai.
9. The Divisional Commissioner, Munger Division, Munger

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Manish Dhari Singh, Advocate
For the Respondent/s : Mr Binay Kumar, AC to SC X

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 28-01-2020 Learned counsel for the petitioner is permitted to
implead the Divisional Commissioner, Munger Division,
Munger as respondent No 9.

Heard learned counsel for the petitioner and the
respondent-State.

The order of the Collector dated 06.08.2019 rejecting
the petitioner's appeal against order of the District Programme



Officer has been assailed. The applications were filed by the petitioner before the Authorities that respondent No 8 has submitted her candidature on basis of a certificate showing her qualification of Matriculation issued by an unrecognized Board/Institution. It is her submission that the issue has not been properly appreciated by the Authorities including the Collector, Begusarai.

Learned State Counsel submits that against the order of the District Programme Officer, now appeal lies before the Divisional Commissioner.

The issue, whether the degree of Respondent No 8 was valid for the purposes of the selection in question, is an issue which the Divisional Commissioner (Respondent No 9) should examine and pass appropriate orders thereupon by assigning reasons in accordance with law. The order of the District Magistrate dated 06.08.2019 would not stand in the way of consideration of the Divisional Commissioner, since after 27.05.2019, he is the competent authority for considering appeal against the District Programme Officer.

If the petitioner submits her representation before Respondent No 9 within four weeks from today, Respondent No 9 should proceed to consider the same on its merit without



raising the issue of delay after giving due opportunity to Respondent No 8 and other concerned, expeditiously and without any undue delay.

Writ petition is allowed with the aforesaid directions.

(Madhuresh Prasad, J)

M.E.H./-

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