

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.817 of 2019

In

Civil Writ Jurisdiction Case No.23691 of 2018

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Deepali Kumari W/o- Binod Bhushan Prasad, R/o- village Bhagwanpur, P.O. Asarhi, P.S. Muffasil, District- Nawada.

... .. Appellant/s

Versus

1. The State of Bihar.
2. The District Magistrate-cum-Collector, Nawada.
3. District Programme Officer, Nawada.
4. Child Development Project officer, Nawada, District- Nawada.
5. Priya Kumari, W/o- Bipin Bihari, R/o- village Bhagwanpur, P.O.- Asarhi, P.S. Muffasil, District Nawada.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Gopal Bohra, Advocate
For the Respondent/s : Mr. Gyan Prakash Ojha (G.A. 7)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 01-03-2021

Heard the parties.

Aggrieved by judgment and order dated 26.06.2019 passed by learned Single Judge of this Hon'ble Court passed in C.W.J.C. No. 23691 of 2018 dismissing the writ petition present L.P.A. has been filed by appellant/petitioner.

Appellant had filed writ petition for setting aside the order dated 24.10.2018 passed by District Magistrate-cum-Appellate Authority, Nawada in case no. 115(M)/2018



dismissing the appeal filed by appellant and affirming the order dated 08.02.2018 passed by the District Programme Officer, Nawada by which the selection of appellant on the post of Anganwari Sevika of Anganwari Centre, Bhagwanpur-02, Ward No. 05, Code No. 132 has been cancelled.

Briefly stated, the facts of the case is that Advertisement No. 01/2015 was published by the District Magistrate, Nawada for selection of Anganwari Sevika and Sahayika for which Aam Sabha was held on 01.10.2016 and appellant was selected.

Complaint was filed by respondent no. 2 before the District Programme Officer, Nawada and after hearing all the parties by order dated 08.02.2018 the selection of appellant as Anganwari Sevika was cancelled and appeal preferred against said order before the District Magistrate, Nawada the appellate authority also failed, against which appellant had filed the writ petition, which also stood dismissed by order as impugned in this appeal.

Appointment of appellant was cancelled by the District Programme Officer, Nawada and affirmed by the District Magistrate, Nawada on the ground that appellant is not resident of concerned area, for which appointment of Anganwari Sevika



was to be made. Her name or name of her family members were not found in the mapping register. She committed forgery by submitting a document showing her name and name of her husband at serial no. 542 and 543 in electoral roll of Panchayat, 2016 which was found to be a forged document produced before the Selection Committee. Other irregularities were also noticed in selection of appellant by the authorities, accordingly, her selection was cancelled by the Original Authority as well as Appellate Authority. It is true that under Clause 4.5 of the guidelines of 2011 the certificate issued by the competent authority with regard to residence shall be evidence of residence and in present case, appellant had produced the residential certificate issued by the competent authority and same cannot be questioned by the departmental authorities, same being final and binding upon them. However, selection of appellant has not only been cancelled on the ground of not being resident of concerned Anganwari Centre but also on ground of interpolation and forgery committed by her before the Selection Committee. It has been further brought to the notice of this Court that fresh selection has been made against the said Anganwari Centre and Priya Kumari respondent no. 5 has been appointed by Aam Sabha on 04.01.2019 and is at present working as Anganwari



Sevika at the concerned Anganwari Centre. There are concurrent findings of original authority as well as appellate authority against the appellant.

This Court does not find any infirmity or error in the order passed by the learned Single Judge requiring any interference by the Court, accordingly, the L.P.A. is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.03.2021
Transmission Date	NA

