

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9429 of 2018

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Lazina Bano W/o- Alamgir Ansari, R/o- Village P.O.- Karzi, P.S.- Chainpur,
District- Kaimoor.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Mass Education, Bihar, Patna.
3. The District Education Officer, Kaimoor Bhabhua.
4. The District Programme Officer, Establishment, Kaimoor.
5. The District Programme Officer, Literacy, Kaimoor.
6. The Head Master, Upgraded Middle School, Karzi Chainpur, District-
Kaimoor, Bhabhua. null null
7. Reshma Khatoon, W/o- Alizan Hussain, R/o- Village P.O.- Karzi, P.S.-
Chainpur, District- Kaimoor.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Singh, Adv.
For the State : Mr.Madhaw Prasad Yadav -Gp23 with
Mr. Arvind Kumar AC to GP-23

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 23-08-2022

1. Heard the parties.

2. The petitioner by way of this writ petition
prayed for being appointed on the post of Talimi Markaz as
she possesses second highest percentage of marks in the list
prepared for the post at Karzi Centre.

3. Learned counsel for the petitioner submits that
the person, who was selected and appointed on the post of
Talimi Markaz at Karzi Centre was shown to possess 74%



marks, but later on after enquiry it has come on record that she had obtained appointment on fraudulent means and by submitting a forged certificate, her appointment was thus canceled, ultimately on 3rd February, 2017.

4. Learned counsel submits that during the course of enquiry, the District Education Officer had observed that if it is found that the candidate namely Reshma Khatoon is found to be having forged documents, the petitioner shall be offered appointment, on the basis of such promise the petitioner claims that she should be given appointment on the post of Talimi Markaz after the appointment of Reshma Khatoon was canceled on account of her submitting forged documents.

5. The respondents have filed their counter affidavit. The same is taken on record.

6. It is stated that the scheme was floated as Shiksha Swayam Sevi Scheme for appointing volunteers to provide teaching to young children at the grass root level. The respondent no. 7 was engaged as a Shiksha Swayam Sevi which was subsequently canceled on finding that the engagement was based on forged certificates. The claim of



the petitioner is contested by the State on the ground that there is no panel prepared for engagement of volunteers under the said scheme and the observations of the District Education Officer would not claim any right in favour of the petitioner.

7. I have considered the submission, the appointment is on the post of Shiksha Swayam Sevi, which are essentially education volunteers. If, during a selection process, someone obtains such appointment by fraudulent means and takes away a valuable right of another person, who is otherwise entitled on his/her merit to be engaged as a volunteers, such person would not fade away merely because time has taken to find out the fraud committed. However, the only aspect is whether the scheme is continue or not. In the present case, if the Shiksha Swayam Sevi Scheme for appointing Talimi Markaz is being continues in one form or the other by the respondents, then in such circumstances, the petitioner's candidature ought to be considered against the said Centre, where the person respondent no. 7 was offered appointment and which was found to have been obtained by fraudulent means. The



petitioner was admittedly having highest percentage of marks if respondent is ousted/ignored.

8. In view thereof, this writ petition is allowed to the aforesaid extent, directing the respondents to consider the candidature of the petitioner for appointment as a volunteer Talimi Markaz against the said Karzi Centre provided the scheme continuing in one form or another.

9. The writ petition is allowed to the aforesaid extent.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 29

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