

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6627 of 2020

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Pushpa Devi, Wife of Sri Rajan Thakur @ Rajan Kumar Sharma, Resident of
Village- Narayanpur, P.O. Bilauti, P.S. Bihiya, District Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Welfare Department, Government of Bihar.
2. The Director, ICDS, Welfare Department, Bihar, Patna.
3. Collector-cum- District Magistrate, Bhojpur at Ara.
4. District Programme Officer, ICDS, Bhojpur at Ara.
5. Child Development Project Officer, Bihiya, District Bhojpur.
6. Durga Yadav Son of Sri Lal Mohar Yadav Resident of Village Narayanpur, P.O. Bilauti, P.S. Bihiya, District Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Jitendra Prasad Singh, Adv.
For the State	:	Mr.Md. Raisul Haque (SC10)
For the Respondent No.6:	:	Mr. Rajesh Kumar Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 26-04-2022

Heard learned counsel for the parties.

In the instant petition, the petitioner has prayed for
the following reliefs:-

*“ That, this is an application for issuance of an
appropriate Writ or Writs setting aside the order
dated 24.09.2019 passed by the learned
Collector, Bhojpur at Ara in Misc. Appeal No.09
of 2018 affirming the order dated 13.10.2018
passed by the District Programme Officer, ICDS,
Bhojpur in Case No.10 of 2017 by which*



selection of the petitioner on the post of Angan Wari Sevika has been cancelled and/or to grant any other relief/reliefs for which the petitioner is legally entitled in the facts and circumstances of the case.”

The petitioner was selected and appointed to the post of Anganwari Sevika on 28.04.2010. The respondent department received a complaint against the petitioner on 29.03.2017 stating that the petitioner had produced a certificate at the time of selection and appointment and such certificate is not from one of the recognized institution.

Learned counsel for the petitioner submitted that subsequently the institution was recognized. Therefore, the impugned orders are liable to be set aside.

Per contra, learned counsel for the respondent-State while resisting the petitioner's contention submitted that the certificate cannot be curable with retrospective effect in order to give recognition from the retrospective date.

Recently the Apex Court in the case of **M/s Indian Oil Corporation Ltd. Vs. Shri Rajendra D. Harmalkar (Civil Appeal No.2911 of 2022)** decided on April 21, 2022 held that if a person entering in a government institution by producing a fake certificate in such circumstances the Court should not show any sympathy in such matters just because the employee is



working for certain long period.

Sixth respondent has pointed out Annexure-A to the counter affidavit in respect of a judgment passed in L.P.A. No.455 of 2018 arising out of CWJC No.9004 of 2010 decided on 14.02.2019 in which he has specifically pointed out that the present matter is identical to that of the aforesaid decision passed in L.P.A.

In the light of these facts and circumstances read with the aforesaid judicial pronouncements, the petitioner has not made out a case so as to interfere with the impugned order. Hence, this writ petition stands dismissed.

(P. B. Bajanthri, J)

(Rajeev Ranjan Prasad, J)

arvind/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

