

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.451 of 2019

In
Civil Writ Jurisdiction Case No.18968 of 2010

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Smt. Sanju Kumari W/o SanjayKumar Sahni Vill.-Purnia, P.S. Block-Meenapur, Distt.-Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Social Welfare Department, Govt. of Bihar, Patna
2. The Secretary Social Welfare Department, Govt. of Bihar, Patna
3. The director Integrated Child Development Scheme Govt. of Bihar, Patna
4. The Commissioner Tirhut Division, Muzaffarpur
5. The District Magistrate Muzaffarpur
6. The District Programme Officer Muzaffarpur
7. The Child Development Project Officer Meenapur, Muzaffarpur
8. The District Superintendent of Education Muzaffarpur
9. The Mukhiya Panchayat Raj Mahadaiya, P.s. and Block- Meenapur, Distt.- Muzaffarpur
10. Rekha Devi W/o Sri Shambhu Raut Vill.- Puraina Panchayat Raj- Mahadaiya, P.s. and Block- Meenapur, Distt.- Muzaffarpur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Kumar Kaushik, Adv.
For the Respondent/s : Mr.Gyan Prakash Ojha (GA-7)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 08-07-2022

Heard learned counsels for the parties.

In the instant appeal appellant has questioned the validity of the learned Single Judge order dated 13.08.2018 passed in CWJC No.18968 of 2010. Today, learned counsel for the appellant fairly submitted that full Bench decision in C.W.J.C.



No.11255 of 2016 (*Ramashankar Patel Vs. The State of Bihar*) has elaborately considered validity of the educational degree. In the light of full Bench decision the appellant has no case.

At this juncture, learned counsel for the appellant has submitted that certificate issued by the concerned authorities to the contesting respondent in the present appeal read with the school, such school was not existing. Therefore, matter requires whether the contesting respondent had produced certificate from a school where the school was not existing. Such a contention has not been raised before the learned Single Judge while filing counter affidavit to the petition. Therefore, new plea in the appeal is not permissible except question of law. The aforesaid contention of the appellant is factual aspect, therefore, it is not appropriate to appreciate alleged factual error in the matter after more than a decade, scope of appeal is limited, therefore, the aforesaid contention of the appellant stands rejected.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

Prakash Narayan /-

AFR/NAFR	NAFR
CAV DATE	NA
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