

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A No.350 of 2016

Kumudini Behera

....

Appellant

Mr. A.K.Mishra-2, Advocate

-versus-

***Additional District Magistrate,
Nayagarh-cum-Appellate
Authority, Nayagarh and others***

Respondents

Mr. D.K.Mohanty, AGA

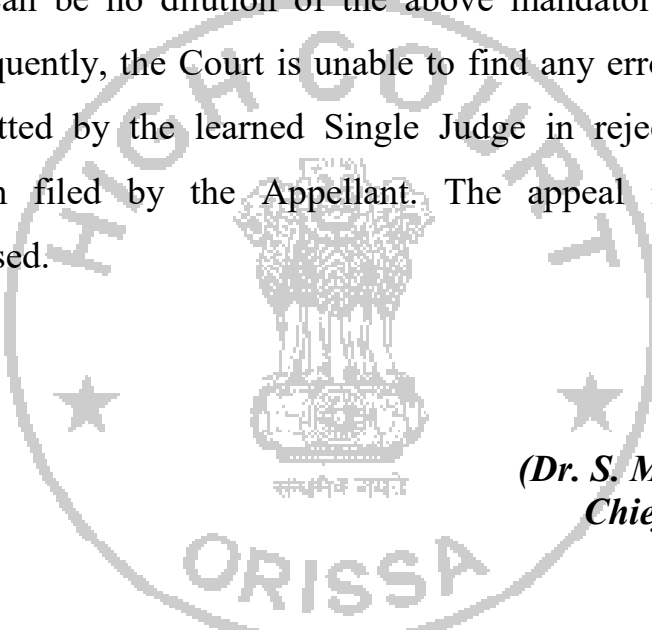
**CORAM:
THE CHIEF JUSTICE
JUSTICE CHITTARANJAN DASH**

**ORDER
10.10.2022**

Order No.

- 02.
1. Admittedly the Appellant was unable to produce the original Board certificate before the selection committee for the post of Anganwadi worker (AWW). There was no denial of this fact even before this Court by the learned counsel for the Appellant.
 2. However, on the strength of a decision of the Supreme Court in *Union Public Service Commission v. Gyan Prakash Srivastava (2012) 1 SCC 537* he contends that since the mark sheets were produced that should have been sufficient. He seeks to explain that the Appellant lost the Board certificate and had applied for a duplicate but it was not available by the time of selection committee assembled to consider the application of the Appellant.

3. The selection committee cannot be faulted for not accepting the candidature of the Appellant, if the documents that required to be produced were not in fact produced before it. The decision in *Union Public Service Commission v. Gyan Prakash Srivastava* (*supra*) turned on its own facts. Here the guidelines are very clear. No exception is provided for not producing the Board certificate at the time of scrutiny of the documents for the purpose of appointment as AWW. With the consistent legal position having been explained in several decisions of this Court, there can be no dilution of the above mandatory requirement. Consequently, the Court is unable to find any error having been committed by the learned Single Judge in rejecting the Writ petition filed by the Appellant. The appeal is accordingly dismissed.

The seal of the High Court of Orissa is a circular emblem. It features the Ashoka Lion Capital in the center, with the motto 'Satyameva Jayate' in Devanagari script below it. The word 'ORISSA' is written in a semi-circle at the bottom. Two stars are positioned on either side of the central emblem. The words 'HIGH COURT' are written in a semi-circle at the top.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge

B.C.Mohanty