

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1839 of 2023

Nazrana Khatoon W/O Shakil Ansari, R/o Dhruvganj, P.S.- Kharik, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
3. The Divisional Commissioner, Bhagalpur Division, Bhagalpur.
4. The District Magistrate Cum Collector, Bhagalpur.
5. The District Programming Officer (I.C.D.S.), Bhagalpur.
6. The District Education Officer, Bhagalpur.
7. The Child Development Programming Officer, Kharik, District- Bhagalpur.
8. Bibi Bebi Khatoon W/o Anjarul Haq @ Anjar Ansari, R/o Village - Dhruvganj, Post and P.S.- Kharik, District- Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rupesh Kumar, Adv.
For the State	:	Mr. Prashant Pratap (GP2) with Mr. Lala S.N.Rais, AC to GP-22

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 28-06-2023 Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner's selection as *Anganwari Sevika* for Center No- 107 in Muslim Tola, Gram Panchayat- Dhruvganj has been cancelled by the District Program Officer, Bhagalpur, under order dated 16/09/2019 on two grounds. Ground No.1 is that the petitioner was earlier working as *Sahayika* on the basis of a date of birth 05/01/1988. In the current selection process for selection of *Sevika*, which is an issue in the instant proceedings,



she has claimed her date of birth to be 12/12/1992. The other ground is that she has relied upon Educational qualification issued from Board of Secondary Education, Madhya Bharat, Gwalior, which, as per communication of the District Education Officer, Bhagalpur, under letter No. 2631, dated 29/10/2018, is in the list of unrecognized Board for the purposes of selection. The issue was considered in appeal being Misc. (Anganwari) Appeal Case No. 209 of 2019-2020 by the Collector, Bhagalpur also, wherein, the grounds have been upheld with reference to yet another communication issued from the District Program Officer, Bhagalpur and District Education Officer, Bhagalpur, under communication dated 23/11/2021, bearing No. 1421, wherein, this Board of Secondary Education, Madhya Bharat, Gwalior, is said to be in the list of unrecognized Board.

3. The learned counsel for the petitioner submits that the issue regarding two date of births was resolved by the petitioner by having her date of birth corrected by the Board of Secondary Education, Madhya Bharat, Gwalior, prior to the date of *Aam Sabha*, which is evident from her letter dated 08/09/2018 (Annexure 2). It is further submitted that the Board, from which she has obtained the requisite qualification, is a recognized Board. The Court is considering the petitioner's case



keeping in background the factual findings in the order of the District Program Officer dated 16/09/2019 based on a letter dated 29/10/2018, bearing No. 2631, issued by the District Education Officer, Bhagalpur, and also a communication dated 23/11/2021, bearing No 1421, issued by the District Program Officer, Bhagalpur and District Education Officer, Bhagalpur, wherein, the Board has been held to be unrecognized. The said two communications are not in dispute. The petitioner, however, has made a statement in paragraph No. 22 that the name of the petitioner's Board is not in the list of unrecognized Institute. Such self serving assertion of the petitioner, seeking to raise a factual dispute, cannot be accepted since the District Program Officer and the District Magistrate have placed reliance on two communications, noted above, which have not been disputed by the petitioner.

4. The Court, therefore, will not sit in appeal over two orders, as within the settled parameters of judicial review, no infirmity is found in the procedure adopted by the authorities namely, the District Program Officer, Bhagalpur dated 16-09-2019 (Annexure-1) and the District Magistrate, Bhagalpur, dated 01-08-2022 (Annexure-3) in passing the impugned orders. It is these orders, which have been affirmed by the



revisional authority also and, therefore, the order of the revisional authority dated 28-09-2022 (Annexure-4) also does not require any interference.

5. Writ petition is, therefore, dismissed.

(Madhuresh Prasad, J)

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