

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3258 of 2020

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Swati Kumari Wife of Ranjeet Kumar, resident of Village- Chiknoutwa,
Police Station- Ghailardh, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social and Welfare, Government of Bihar, Patna.
2. The Director, I.C.D.S., Department of Social and Welfare, Government of Bihar, Patna.
3. The District Magistrate-cum-Collector, Madhepura.
4. The District Programme Officer, Madhepura.
5. The Child Development Project Programme Officer, Ghailardh, District-Madhepura.
6. Heera Kumari, Wife of Alok Kumar, resident of Village- Chiknoutwa, Panchayat- Chitti, Post Office and Police Station- Ghailardh, District-Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh, Adv
For the Respondent/s : Mr.Md. Raisul Haque (Sc10), Adv

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 08-12-2023 Learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for quashing the order dated 16.01.2020 passed by the Collector-cum-District-Magistrate, Madhepura, by which the order of decree in Anganbari appeal No. 19 of 2019 has been set aside.

3. Counsel for the petitioner submits that the private respondent have three different date of birth and it is due to this reason, the selection was cancelled and the petitioner was



selected which is apparent from the order of the District Programme Officer, Madhepura.

4. Counsel for the petitioner submits that the District Magistrate-cum-Collector, Madhepura in his order has considered that date of birth of the private respondent is 16.03.1995 which is not correct as in the certificate of health her date of birth was different.

5. Counsel for the State submits that in the order passed by the Collector, Madhepura, the age of the petitioner in the matriculation was treated as her valid date of birth and the appointment in the Anganwadi was made on the basis of said date which have been mentioned in the matriculation.

6. Counsel for the State further submits that in case of variance of date of birth, the date of matriculation shall always prevail and it is not the case of the petitioner that petitioner has used her different date of births with a view to take benefits at different places differently and in this regard, Collector, Madhepura has also held in his order with reason that she has used one date of birth i.e. date of birth of matriculation as prayed and which has been affirmed by the Court.

7. In the light of the submissions made, this Court finds that there is no infirmity in the order passed by the



collector due to the reason that in case of variance of different date of birth, the date of birth given in matriculation shall only prevails.

8. The contention of counsel for the petitioner is that the petitioner's date of birth are different in different schools and therefore, he submits that different dates are being used.

9. There is no allegation that for the view to take benefit petitioner has used different dates given. Constant stand of the private respondent is that her date of birth is the original date of birth.

10. In view of the above, this writ petition is disposed of.

(Dr. Anshuman, J)

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