

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19619 of 2015

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Mina Devi @ Mina Kumari wife of Shiv Nandan Das Resident of Village -
Chaina, P.O. - Chaina, P.S. - Dhoriya, District - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner.
2. The Collector, Banka.
3. The Deputy Development Commissioner, Banka.
4. The District Programme Officer, Banka.
5. The Child Development Project Officer, Dhoriya Block, District - Banka.
6. Bijli Kumari Daughter of Jitan Paswan Resident of Village - Islampur, P.O. Dhoriya, P.S. - Dhoriya, District - Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Suresh Prasad Sah @ Baranwal, Adv.
For the Respondent/s : Mr.Kumar Kamal Narayan, AC to SC-28

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-10-2023 1. The present writ petition has been filed seeking the
following relief(s):-

“1.i) For directing the Respondent-State to appoint the petitioner on the post of Uddeepika as the petitioner applied for the post of Uddeepika in Chalna Panchayat, appeared and found fit in the written test and also in the efficiency test related with cycling and as such the petitioner completed the selection procedure successfully but the respondents state appointed Bijli Kumari (Respondent No.6) who had obtained less marks than the petitioner in Secondary Examination, Intermediate Examination, Uddeepikaa Test, and as such the action of the respondent state is quite



illegal, arbitrary and malafide.

(ii) For directing the Respondent-State to produce the appointment letter of Bijli Kumari who was appointed and working on the post of Uddeepika since 23.03.2015 and be further pleased to quash the same.”

2. The learned counsel for the petitioner submits that though the petitioner has passed the written test as also the efficiency test, but she has been illegally denied appointment, hence the respondents be directed to appoint the petitioner on the post of Uddepika in Chalna Panchayat.

3. Per contra, the learned counsel for respondent-State has submitted that the Nutrition Monitoring Unit of State Society for Ultra Poor and Social Welfare, Social Welfare Department, Bihar, Patna has issued a guideline for empanelment and contractual employment of Uddepika and in para V(3) thereof, it has been mentioned that the candidates must secure 55% marks (45% in case of SC/ST candidates) in the intermediate or equivalent to 12th class examination from any Board or Council recognized in India, however, it is submitted that the petitioner is possessing a degree of ‘Madhyama Visharad’ from Hindi Sahitya Sammelan, Allahabad, which is not recognised as equivalent to



intermediate/10+2 examination, as per memo dated 27.08.2008, issued by the Department of Human Resource, Bihar, Patna, which also prescribes the list of institutes which are not recognized and at serial no.12, thereof the name of Hindi Sahitya Sammelan, Allahabad is present. It is submitted that even the Central Government does not recognize the degrees obtained from Hindi Sahitya Sammelan, Allahabad as valid and equivalent degrees of High School/Intermediate/B.A. Hence, it is submitted that once the petitioner had produced the certificate of 'Madhyama Visharad', at the time of counselling, she was disqualified by the District Selection Committee, hence there is no merit in the present writ petition.

4. Having regard to the facts and circumstances of the case and considering the fact that the degree of 'Madhyama Visharad', produced by the writ petitioner, issued by the Hindi Sahitya Sammelan, Allahabad, is not recognized by the Government of Bihar, the petitioner has rightly not been selected, hence the present writ petition is dismissed being bereft of any merit.

(Mohit Kumar Shah, J)

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