

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3545 of 2018

=====

Chanchala Kumari Wife of Lawkesh Kumar, Resident of Village- Deohara,
P.S.- Jamhore, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate and Collector, Aurangabad.
3. The District Programme Officer, Aurangabad.
4. The Child Development Project Officer, Aurangabad.
5. Kusum Devi, Wife of Surendra Mehta, Resident of Village- Deohara, P.O.-
Bharthauli Sharif, P.S.- Jamhore, District- Aurangabad.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Bhanu Pratap Singh, Advocate
For the Respondent/s	:	Mr.S.K. Mandal- SC-7
For the State	:	Mr. Bipin Kumar, AC to SC-3

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 26-09-2023 Heard the parties.

2. The present writ petitioner has been filed for issuance of an appropriate writ for setting aside the order dated 08.01.2018 passed by the respondent Collector District Aurangabad Magistrate and in Removal of Selection Appeal No.155/2015 as contained in Annexure-8 by which he has rejected the appeal filed by the petitioner for removal of the respondent no.5 from Anganbari Sevika who was selected on the basis of a forge certificate) cum mark sheet of the Board of High School and Intermediate) Examination U.P. And further direction to the respondents concerned to appoint/ select the



petitioner as Anganbari Sevika in Anganbari Centre Deohara, Code 199 Ward no.15 under Parharawan, P.S.-Jamhore, District-Aurangabad as she was the next candidate in the merit list.

3. The petitioner alleged that the respondent no. 5 submitted the certificates which actually has not been issued from the Board of High School and Intermediate Examination, Allahabad, Uttar Pradesh and has attached a document, the communication of the Additional Secretary, Secondary Education, Regional Office Allahabad addressed to the petitioner dated 22.11.2017 (Annexure 6/2) in support of her claim. As such, the submission is that the same was not considered before the order dated 08.01.2018 which was passed by the office of the Collector, Aurangabad in Appeal Case No. 155 of 2015 (Annexure-8).

4. Learned counsel for the respondent no. 5 appeared and had disputed the facts and his submission is that genuine certificates were produced which followed her selection.

5. The case has been made out by the petitioner and in that backdrop, the Collector, Aurangabad is required to give a re-look to the entire case.

6. The parties are unanimous on the point that the matter be re-heard by the Collector, Aurangabad.



7. In that view of the matter, without putting any spoke in the wheel in the selection of the respondent no. 5, the petitioner is directed to prefer a petition before the Collector, Aurangabad within a period of four weeks from today.

8. If the same is preferred, the Collector, Aurangabad shall take up the matter and decide the same within a period of three months.

9. As the present order is being passed in the presence of the learned counsel appearing on behalf of the respondent no. 5, Kusum Devi, it is expected that she will cooperate and participate in the proceeding so that the Collector, Aurangabad is able to pass the order within the time frame stipulated. In case of non-cooperation by either of the parties, the Collector, Aurangabad is free to take a decision on the basis of materials available on record.

10. The fresh order will have a bearing on the earlier order dated 08.01.2018 passed by the Collector, Aurangabad.

11. Learned counsel for the State submitted that since the contradictory documents have been provided by the authorities in Uttar Pradesh, it would be appropriate that the Collector, Aurangabad once again get the documents verified from the concerned authority. The District Magistrate,



Aurangabad is free to take decision in the matter.

12. The writ petition stands disposed of with the
aforesaid observations.

(Rajiv Roy, J)

Jagdish/-

U			
---	--	--	--

