

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4085 of 2018**

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Rita Kumari Wife of Rajendra Prasad, Resident of Village-Mandal Tola Ward No2, Sirdala, Police Station-Sirdala District-Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Intergrated Child Development Scheme, Spcial Welfare Department, Govt. of BIhar, Patn
3. The Secretary Social Welfare, Department, Govt. of Bihar, Patna.
4. The District Magistrate Cum Collector, Nawada District-Nawada
5. The District Programe Officer, Nawada District-Nawada
6. The Child Development Project Officer, Nawada District Nawada.
7. Rita Kumari, Wife of Satendra Prasad, Resident of Village-Ward No. 2 Sirdalla District-Nawada

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rabindra Prasad Singh, Advocate  
For the Respondent/s : Mr. Binay Kumar, AC to SC 10

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

4      25-09-2023                      Heard the parties.

2. The present petition has been preferred for the following reliefs:-

*(i) for issuance of an appropriate order/orders, direction/directions/ writ in the nature of certiorari to set aside the order dated 27.02.2015 and 23.07.2017 passed in Case No. 197(Misc) Selection 2014 on case No. 71 (M)/2016 passed by the District Programme officer, Nawada and the District Magistrate cum Collector, Nawada respectively, whereby and whereunder the*



*Respondents have cancelled the selection of the petitioner on the post of Aganwari sevika at Aganwari Mandal Tola ward no. 02 District Nawada;*

*(ii) for issuance of an appropriate order/orders, direction/directions writ in the nature of mandamus directing and commanding to the respondents to appoint the petitioner on the post of Agamwari sevika at Aganwari Mandal Tola ward no. 2 District Nawada with all consequential benefits.*

3. On 28.05.2018, a counter affidavit has been filed on behalf of the respondent nos. 4 to 6 duly put on affidavit by the respondent no. 6, the Child Development Project Officer, Sirdala in which paragraph 7 read as follows:-

*“7. That it is stated that an oral objection was raised by the respondent no. 7 that the mark-sheet produced by the writ petitioner is forged and fabricated on which the secretary of the Aam Sabha i.e., the Child Development Project Officer, Sirdalla (Respondent No. 6) took statement of the writ-petitioner and the writ petitioner accepted that she has made over on her mark-sheet for the purpose of increasing her marks, hence the Aam Sabha did not select the writ petitioner and the respondent no. 7 was duly selected for the said post.”*

4. A bare perusal of the mark-sheet would show that



the petitioner manipulated her mark-sheet to get herself selected and this was also considered by her.

5. This led to the passing of the order dated 28.07.2017 by the District Magistrate, Nawada (Annexure D to the petition).

6. As stated above, a counter affidavit was filed five years ago after service of copy to the petitioner on 25.06.2018, there is no rejoinder to it.

7. Taking into account the statement made in paragraph 7 of the counter affidavit not rebutted by the petitioner that a forged and fabricated document was submitted by the petitioner, the writ petition is dismissed holding that it is without merit and misconceived.

8. Considering the fact that the petitioner chose to submit forged and fabricated document, it was fit case for a direction for the lodging of the FIR against her; however, since she is a lady, the Court refrains from passing any adverse order against her.

**(Rajiv Roy, J)**

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