

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No 1084 of 2018**

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Punam Devi Wife of Lalan Kumar Mehta, Resident of Village-Bhelwa, Ward No.8, P.O.-Babhani, P.S.-Gamharia, District-Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Department of Social Welfare, Government of Bihar, Patna
2. The District Magistrate, Madhepura.
3. The District Programme Officer, Madhepura
4. The Child Development Programme Officer, Gamharia, District-Madhepura.
5. The Mukhiya, Bhelwa Gram Panchayat, Block Gamharia, District-Madhepura.
6. Sujata devi, Wife of Sri Vinod Kumar Mehta, Resident of Village-Bhelwa, Ward No. 08, P.O.-Babhani Gram Panchayat Bhelwa, P.S.-Gamharia, District-Madhepura.

... .. Respondent/s

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**Appearance :**

|                      |   |                                                |
|----------------------|---|------------------------------------------------|
| For the Petitioner/s | : | M/s Rajeev Kr Singh, Shailendra Kr Singh, Advs |
| For the S t a t e    | : | Ms Sanghamitra Choubey, AC to GA VII           |
| For Respondent No 6  | : | Mr Anant Kumar No 1, Advocate                  |

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**CORAM: HONOURABLE MR JUSTICE RAJIV ROY**

**ORAL JUDGMENT**

**Date : 12-09-2023**

Heard Mr Rajeev Kumar Singh, learned counsel for the petitioner, Mr Anant Kumar No 1 who represents respondent No 6 and Ms Sanghamitra Choubey, learned AC to GA VII for the State.

2 This writ petition has been filed for the following reliefs:

***“That this writ application is being  
filed on behalf of the petitioner for quashing  
the order dated 24.11.2017 passed by learned  
Collector cum District Magistrate,***



***Madhepura (Respondent No 2) passed in Anganbadi Appeal No 7 of 2016 as contained in Annexure 7 wherein and whereby the Collector cum District Magistrate, Madhepura has cancelled the selection letter of the petitioner issued by the District Programme Officer, Madhepura vide Memo No 369/2 Pro, dated 31.09.2016 and by the Child Development Project Officer, Gamharia and further directed the District Programme Officer, Madhepura to select Anganbadi Sevika in new process under the prescribed provision and process under his own supervision.”***

3 It is the case of the petitioner that in the Aam Sabha, taking into account that respondent No 6 was having two birth certificates, she was selected being at serial No 2. However, the appellate authority, the District Magistrate, Madhepura, after hearing the parties vide an order dated 24.11.2017 in Appeal No 7 of 2016, gave direction for fresh selection of Angan Bari Sevika relating to Ward No 8 (Center No 74), Gram Panchayat – Bhelwar under Gamhariya Block in the district of Madhepura.

4 It is the submission of learned counsel for the petitioner that two grounds were taken by the respondent-District Magistrate for passing the order and directing fresh selection.

***(i) The last date of submission of the application was 30.06.2013 wherein residential/caste certificate were submitted by the petitioner on 03.07.2013 issued on 01.07.2013.***

***(ii) the concerned ward member, who was chairing the meeting, has not signed the***



***proceeding and only the signature of the concerned CDPO is there (Anexure 7 to the writ petition).***

5 Learned counsel for the petitioner has taken this Court to the guidelines prevalent at that time which is Angan Bari Sevika/Sahayika Selection Guideline, 2010 with specific reference to Clause 6.5 to show that in case of absence of the candidate and/or the relevant document, the same cannot be rejected.

6 Learned counsel for the petitioner, as such, submits that the District Magistrate, Madhepura erred in holding that only because there was three days delay in submitting the documents, she cannot be considered.

7 So far as the signature of the Chairman is concerned, by way of supplementary affidavit, learned counsel for the petitioner has brought on record Annexure 9 which is the proceeding dated 20.12.2014 of the said Aam Sabha and has taken to the last page to show that the Chairman, Ashok Paswan actually signed the document. He, as such, submits that on both counts, the District Magistrate erred and in that background, the petitioner is entitled to continue on the post on which she was selected as pursuant to the interim relief granted to her on 19.01.2018, she is still continuing to the satisfaction of the respondent-authorities.



**8** Learned counsel appearing on behalf of respondent No 6, on the other hand, by way of counter affidavit, has brought the same proceeding to show that in the supplementary affidavit, the signature of the Chairman has been forged inasmuch as the copy of the proceeding which she has annexed as Annexure C/F, the signature of the Chairman is missing.

**9** This Court has gone through both the annexures presented by the petitioner as also by respondent No 6 and finds that while in the supplementary affidavit of the petitioner, the Chairman's signature is there, in the counter affidavit of respondent No 6, the same is missing. Learned counsel for the petitioner Mr Rajeev Kumar Singh submits that the concerned annexure clearly shows that the CDPO, Gamhariya has put in her signature. This has been obtained by the petitioner under RTI Act which she has stated in paragraph 3 of the supplementary affidavit.

**10** This is a serious issue. The finding of the District Magistrate, Madhepura is that the signature of the Chairman was not on the proceeding. The annexure attached with the counter affidavit is on the same line. However, the case of the petitioner is that the Chairman has signed the document which has been annexed in the supplementary affidavit. Though the case of the petitioner is that the same has been obtained through RTI Act, the



concerned page (the forwarding letter), by which RTI information has been provided, is missing in the supplementary affidavit.

**11** In that background, this writ petition stands disposed of with clear direction to the District Magistrate, Madhepura to

***(i) to enquire whether the claim of the petitioner, as made in supplementary affidavit that the document has been obtained through RTI Act which has signature of the Chairman, Ashok Paswan is correct or not?***

***(ii) Whether in that background, the document annexed by respondent No 6 in which the signature of the Chairman is missing, which is also the findings of the District Magistrate, Madhepura is correct or not?***

**12** In case it is found that the petitioner used forged documents to support her case in the writ petition, necessary steps be taken against her including lodging of the FIR against her. Alternatively, the action be taken against respondent No 6 if her document is found to have been manipulated.

**13** Both the petitioner and respondent No 6 will be presenting their respective documents attached in the writ petition before the District Magistrate, Madhepura by way of application/representation within four weeks from today who shall take up the matter, enquire the same, ascertain with the concerned office of the CDPO, Gamhariya whether the document in question has been issued under RTI Act or not and/or whether the Chairman



has put in his signature or not, as claimed by the petitioner and take the matter to its logical conclusion within a period of three months from the date of submission of the application/representation by the petitioner/respondent No 6.

14 Any such order passed by the District Magistrate, Madhepura will automatically affect the case of the petitioner and in case it is found that the document, annexed by the petitioner in supplementary affidavit, has been issued under RTI Act, she will continue on the post she is holding.

15 The writ petition is disposed of with the aforesaid observation.

(Rajiv Roy, J)

M.E.H./-

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| AFR/NAFR          | NAFR       |
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