

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.138 of 2023

=====

Priti Kumari W/o Sri Rajev Prasad Yadav Resident of Village- Dhamsar, Ward
No.- 6, P.S.- Janta Bazar, Distt.- Saran.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
2. The Director, I.C.D.S. Patna, at Indira Bhawan, Baily Road, Patna.
3. The District Collector (D.M.), Distt.- Saran (Chapra).
4. The District Program Officer, Distt.- Saran (Chapra).
5. The Child Development Project Officer, (C.D.P.O.), Lahladpur, Saran (Chapra).
6. The Lady Supervisor, Child Development Project, Lahladpur, Saran (Chapra).
7. Suman Kumari, W/o Ranjay Kumar Pandey Resident of Village- Dhamsar, P.S.- Janta Bazar, Distt.- Saran (Chapra).

... .. Respondents

=====

Appearance :

For the Petitioner/s	:	Mr. Ram Sandesh Roy, Advocate
For the Respondent/s	:	Ms. Kumari Amrita, GP-3
		Mr. Rajesh Kumar, AC to GP-3

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-02-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner in the present case is seeking the following
reliefs:-

“(i) For a mandamus commanding and direction to the respondents to cancel/remove the selected candidate namely Suman Kumari, W/o- Ranjay Kumar Pandey, from the post of Aanganbari Sevika at Gram Panchayat Purushottampur, Ward No. -06, Aanganbari centre No. - 98, Block – Lahladpur, P.S- Janta Bazar, Saran who has been illegally selected on the basis of fake matric certificate by ignoring the applicable candidate namely Priti Kumari (petitioner), by the corrupt practices of the selecting committee who has



favoured the meritless candidate (Respondent No. -7).

(ii) For a direction to the respondents to select the petitioner on the post of Aanganbari Sevika at Gram Panchayat Purushottampur, Ward No. - 06, Centre No. - 98, Khichari Das Ka Tola, P.S- Janta Bazar, Distt. - Saran after cancelling the illegal selected candidate namely Suman Kumari who is not eligible for Aanganbari Sevika post.

(iii) For a direction to the higher concerning authority to take action against the Selecting Committee and concerning C.D.P.O, Lady Supervisor, Lahladpur, Saran who illegally selected the illegal candidate on the post of Aanganbari Sevika at centre no. - 98, Purushottampur Panchayat, Ward No. - 06, Khichari Das Ka Tola, Lahladpur, Saran.”

Learned counsel for the petitioner submits that in the Aam Sabha held for selection of Aanganbari Sevika at the Centre No. 98, Block- Lahladpur, P.S.- Janta Bazar, Saran, two candidates had applied including the petitioner. Out of them, one candidate namely Suman Kumari was selected.

The petitioner lodged a complaint to the competent authority that Sumar Kumari has been selected on the basis of a fake matriculation certificate. In this regard, the petitioner claims to have raised objection in the Aam Sabha also but her objection was not paid heed to.

At this stage, a counter affidavit has been filed on behalf of Respondent Nos. 4 to 5. In paragraph ‘6’ of the counter affidavit, it is stated that the educational certificate of the selected Sewika who is respondent no. 7 of this writ



application was sent for verification vide Letter No. 189 dated 26.08.2021 by office of the CDPO, Lahladpur, Saran. In course of verification, the Assistant Examination Controller, Bihar Sanskrit Education Board, Patna reported vide Letter No. 197 dated 24.02.2022 that the marksheet/certificate submitted by respondent no. 7 has not been issued by the Board in the name of this candidate. In the light of the said report, a clarification was sought for from respondent no. 7, she submitted her reply but the competent authority not being satisfied with her reply has terminated the engagement of respondent no. 7 vide Memo No. 10 dated 14.01.2023 on the ground that her certificate was found forged.

In paragraph '8' of the counter affidavit, it is stated that the subsequent process is being followed in accordance with the guidelines for the time being in force and the claim of the petitioner for her selection will be considered and she will be selected if found entitled for the same.

In view of the statements made in the counter affidavit as mentioned hereinabove, learned counsel for the petitioner submits that his grievance has been redressed and at this stage, the petitioner need not proceed with the writ application.



This writ application is, therefore, disposed of taking note of the statement of the official respondents in the counter affidavit. It, however, goes without saying that at this stage, this Court has not examined the decision taken by the competent authority by which the respondent no. 7 has been terminated and as such, the remedy, if any available to respondent no. 7 shall not be affected by disposal of this writ application.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

lekhi/-

U			
---	--	--	--

