

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1696 of 2019

In
Civil Writ Jurisdiction Case No.18310 of 2019

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Nutan Kumari Wife of Ashok Kumar, resident of Kairiya, P.S. Amaur,
District- Purnea.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Patna.
2. The District Magistrate, Purnea.
3. The District Programme Officer, Purnea.
4. The Child Development Project Officer, Amaur, District-Purnea.
5. Madhu Rani Kumari, Wife of Subhas Kuamr Biswas, Resident of Village-Kairiya, P.S. Amaur, District-Purnea.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Bijendra Kumar Singh, Advocate
For the Respondent/s	:	Mr. Gyan Prakash Ojha, GA 7
		Mr. Abishek Singh, AC to GA 7

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 23-11-2023

With the consent of learned counsels for the respective parties, present matter is taken up for final disposal.

2. The present LPA is filed against the order dated 19.09.2019 passed in CWJC No. 18310 of 2019. There is delay of about 62 days. In this regard, I.A. No. 01 of 2020 has been filed for condonation of delay.



3. For the reasons stated in the application and affidavit, we condone the delay of 62 days in filing the present L.P.A. Accordingly, I.A. stands allowed.

4. Coming to the merits, the appellant and fifth respondent were candidates for recruitment to the post of *Anganbari Sevika* in *Anganbari* Centre No. 157, Block *Amaour*, District – *Purnea*. It is undisputed that fifth respondent is more merited than the appellant.

5. Core issue involved in the present *lis* is whether fifth respondent had furnished fabricated certificate in the guise of selection and appointment to the post of *Anganbari Sevika* in *Anganbari* Centre No. 157, Block *Amaour*, District – *Purnea* or not? In this regard, appellant is stated to have approached the concerned authority for redressing the grievance of the appellant. While disposing of the appellant's appeal, there were certain directions for verification of certificate of respondent No. 5.

6. When things stood thus without waiting for verification of those documents by the competent authority, the appellant preferred Service Appeal No. 16 of 2017 which was dismissed. Hence, CWJC No. 18310 of 2019 was filed and it was also dismissed on 19.09.2019.



7. The learned Single Judge has taken note of factual aspect of the matter which was placed on record by the official respondent to the extent that there were no forged document or certificate produced by the respondent No. 5 and it was taken note of with reference to Child Development Project Officer who had submitted report to the District Programme Officer pursuant to the order dated 26.04.2017. Taking note of these factual aspects of the matter, we find there is no merit in the present LPA. Hence, we affirm the order of the learned Single Judge dated 19.09.2019 passed in CWJC No. 18310 of 2019. In the result, the present L.P.A. No. 1696 of 2019 stands dismissed.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.11.2023
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