

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2661 of 2020

Bandana Kumari @ Vandana Kumari, Wife of Arun Kumar Mandal, Resident of Village- Tintoliya, P.S.- Pratapganj, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar, through the District Magistrate Supaul.
2. The Director ICDS, Govt. of Bihar, Patna.
3. The District Magistrate, District- Supaul.
4. The Block Development Officer, Block- Pratapganj, District- Supaul.
5. The Bihar School Examination Board, through it's Secretary
6. Sanskrit Siksha Board, through its Secretary.
7. Sangeeta Kumari, Wife of Raj Kumar Mandal, Resident of Village- Tintoliya, P.S.- Pratapganj, District- Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Vikram, Advocate
For the Respondent/s	:	Mr. S.K.Mandal SC-3
		Ms. Neelam Kumari, AC to SC-3
For B.S.E.B.	:	Mr. Girish Kumar, Advocate
For Board	:	Mr. Chandrasekhar Kumar Singh, Advocate
For Respondent No. 7	:	Mr. Abhijeet Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 18-10-2024 Heard the parties.

2. The petitioner is aggrieved by the order of the District Magistrate, Supaul, passed in Anganbari Appeal Case No. 18 of 2019 whereby the order passed by the District Program Officer (ICDS, Supaul) has been set aside.

3. The petitioner also sought a direction upon the respondent authorities to reinstate the petitioner on the post of Anganbari Sewika at Anganbari Centre No. 101/Pratapganj in ward no. 13 of Chiloni Uttar Panchayat under Pratapganj Block



in the District of Supaul.

4. The petitioner and the private respondent were the candidate for Anganbari Sewika for the afore-noted Anganbari Centre in question. Having found eligible for the post of Anganbari Sewika, the petitioner alongwith others including the private respondent submitted their applications. The merit list has been prepared wherein the name of the private respondent no. 6 stood at serial no. 1, whereas, the petitioner has secured the second position. After following the due process of selection, the private respondent was selected on the post of Anganbari Sewika.

5. In the meanwhile, the petitioner came to know that the private respondent has obtained the appointment on the basis of false certificate, by suppressing her date of birth.

6. The petitioner's husband obtained an information under Right to Information Act, 2005. The information provided under the Right to Information Act reveals that private respondent passed her matriculation examination in the year 2012 and thereafter did her intermediate in 2015; in all the relevant certificates/documents her date of birth was mentioned as 05.12.1997. However, in Madhayma Examination which she has cleared in the year 2014, her date of birth is mentioned as



05.02.1997. The session of intermediate was 2013-15 and in the midst of this session she did Madhyama. Adverting to the aforesaid facts learned Advocate for the petitioner contended that apart from two different date of birth in different certificates, the private respondent has obtained three degrees in between 2012 and 2015.

7. Armed with the aforesaid documents, the petitioner approached before the District Program Officer (ICDS, Supaul) by filing Case No. 53 of 2018. The respondent District Program Officer vide its order dated 06.06.2019 allowed the case and terminated the service of the private respondent no. 7.

8. On being aggrieved, the respondent no. 7 preferred Anganbari Appeal Case No. 18 of 2019 before the District Magistrate, Supaul. The District Magistrate, Supaul having considered the materials available on record including the certificates issued by the Bihar Sanskrit Siksha Board, clarifying the position that there was an error in the date of birth of the private respondent, in her Madhyama certificate which has later on corrected and having found no discrepancy in the date of birth has allowed the appeal and set aside the order of the District Program Officer.

9. Learned Advocate for the petitioner referring to the



afore-noted facts lastly contended that *prima facie* it appears that the private respondent has obtained her appointment on the basis of fake and false certificate and only in the period of three years, she has obtained the three degrees, from three different places.

10. On the other hand learned Advocate for the State countering the submissions of the learned Advocate for the petitioner contended that the private respondent had passed her matriculation examination from the Bihar School Examination Board in the year 2012, wherein her date of birth has been categorically mentioned as 05.12.1997. Subsequent thereto, she appeared in Madhayma Examination as a private student in the year 2014, however, in the certificate on account of mistake, the date of birth had been wrongly mentioned as 05.02.1997 in place of 05.12.1997, which was later on rectified and corrected by the Bihar Sanskrit Siksha Board vide office order under letter no. 1635, dated 15.06.2018.

11. It is further contended that the entire facts have been brought before the District Magistrate in Anganbari Appeal Case No. 18 of 2019 and on being satisfied that in course of selection the private respondent was allowed sixty days time by the selection committee to bring the corrected certificate and



when the same was produced by the private respondent, she has been selected for the post of Anganbari Sewika. In the aforesaid premise the order of the District Program Officer, (ICDS, Supaul) has been set aside and the appointment of the private respondent was found to be valid.

12. A counter affidavit has also been filed on behalf of Bihar Sanskrit Siksha Board. It is categorically averred that there was a typographical mistake in the date of birth of the private respondent, which was corrected on the basis of the admit card and the registration certificate, wherein her date of birth has been found to be 05.12.1997. The private respondent also entered her appearance; filed counter affidavit and supported the submissions made on behalf of the official respondents.

13. Having heard the learned Advocate for the respective parties and after going through the order of the District Magistrate, this Court finds that apart from the order being reasoned and speaking the same is based upon the material facts which clearly demonstrate that during the selection process, the employment committee had found discrepancy in the date of birth and thereafter, opportunity was given to the private respondent to bring the corrected certificate,



which had been placed within the stipulated period. On being satisfied there is no discrepancy and she being found eligible, having secured 1st position in the merit list was duly selected as Anganbari Sewika.

14. The Bihar Sanskrit Siksha Board also clarified the position that as there was an error in the date of birth in the Madhayma certificate, which has later on corrected on an application filed by the private respondent.

15. The contention of the petitioner that the private respondent has obtained three degrees in between 2012 to 2015 also does not find any substance, as the private respondent passed her matriculation examination in the year 2012 and thereafter she took her admission in intermediate in the session 2013-2015 and in the mean time, she passed Madhayma exam as a private student.

16. On all the counts, the writ petition does not find any merit, accordingly the same stands dismissed.

(Harish Kumar, J)

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