

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5137 of 2020

Phul Kumari, Wife of Anand Kumar Sahu @ Anand Kumar Sah, Resident of
Ward No. 7, Lilababu Tola, Raje, P.S.- Manigachhi, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
2. Additional Chief Secretary, Social Welfare Department, Government of Bihar, Patna.
3. Divisional Commissioner, Darbhanga Division, District- Darbhanga.
4. District Programme Officer, Social Welfare Department, I.C.D.S. Darbhanga.
5. Child Development Project Officer, Manigachhi, District- Darbhanga.
6. Anchal Kumari, Lady Supervisor-cum-Secretary, Selection Committee, Child Development Project Office Manigachhi, District- Darbhanga- 847422.
7. Rekha Devi, Ward Member-cum-Chairman, Selection Committee, Ward No. 7, Raje Panchayat, P.S. Manigachhi, District- Darbhanga- 847422.
8. Rita Devi, Ward Panch Member-cum-Vice Chairman, Selection Committee, Ward No. 7 Panchayat Raje, P.S.- Manigachhi, District- Darbhanga- 847422.
9. Sobaida Khatoon, Wife of Md. Zainul, Village Raje Ward No. 7, Panchayat Raje, P.S. Manigachhi, District- Darbhanga- 847422.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Durga Nand Jha, Advocate Ms. Soni Kumari, Advocate Ms. Rashmi Kiran, Advocate
For the Respondent/s	:	Mr. Gyan Prakash Ojha, GA- 7 Ms. Sanghmitra Ghosh, AC to GA-7
For Respondent No.9	:	Mr. Kaushlesh Choudhary, Advocate Mr. Shambhu Nath Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 18-11-2024

Heard Mr. Durga Nand Jha, learned Advocate for
the petitioner, Ms. Sanghmitra Ghosh, learned Advocate for the
State and Mr. Kaushlesh Choudhary, learned Advocate for



respondent no.9.

2. The petitioner is aggrieved by the order dated 10.12.2019 passed in Revision Appeal No. 02 of 2019 whereby the Revision case filed by the petitioner against the order dated 08.11.2019 passed by the District Programme Officer, Darbhanga in Case No. 37 of 2019, has been rejected at the stage of admission. The petitioner also sought quashing of the order contained in Memo no. 2381 dated 08.11.2019 passed by the District Programme Officer, Darbhanga in Case No. 37 of 2019 whereby the petition filed against the selection of respondent no.9 on the post of Anganbari Sevika in Ward No. 7, Panchayat Raje, has also been rejected.

3. Mr. Jha, learned Advocate for the petitioner vigorously contended that the private respondent no.9 has obtained the appointment on the post of Anganbari Sevika on the basis of incorrect certificate, which was produced at the time of selection. In terms of Advertisement published in the Newspaper on 27.05.2019, the applications were invited on OnLine for selection of Anganbari Sevika and Anganwari Sahayika under guideline, 2016, but without any reason, the selection process has proceeded under the guidelines, 2019. It is further contended that the applications were submitted on behalf



of the various applicants, including the private respondent no.9, but the petitioner came to know that the application filed by the respondent no.9 was without any signature. It is next contended that the educational certificates of the Madarsa Examination Board produced by the respondent no.9 are not genuine certificate and the same are required to be verified in terms of Clause 10 of the guideline, 2019, even though her selection has been made. This point was duly raised before the District Programme Officer, as well as in the revision preferred before the Divisional Commissioner, but the same has not been answered.

4. A counter affidavit has been filed on behalf of the State officials, however, with respect to Clause 10 of the Guidelines, 2019, which clearly mandates that the certificates submitted on behalf of the selected candidates shall be required to be verified within sixty days by the Child Development Project Officer, there is no response.

5. A counter affidavit has also been filed by the respondent no.9 wherein it is categorically stated that she passed Fauquania (X) examination, which is equivalent to Matriculation from Madarsa Mohammadia Sarisabtahi, Momintola, Madhubani with 1st Division and thereafter she also



passed the Maulvi (XII) examination in the year 2018 with 2nd Division from Madarsa Islahul Momenin Raghonagar, Bhowars Madhubani, which is equivalent to Intermediate. The examination was conducted by Bihar State Madarsa Board, Patna. The certificates, on the basis of which respondent no.9 has appointed are valid and genuine certificate is the contention of learned Advocate for respondent no.9. It is also contended that there is no discrepancy in the date of birth in the Aadhar Card, PAN Card, Ration card as well as certificates issued by the Madarsa Board.

6. Having considered the submissions advanced on behalf of the respective parties and considering the question raised by the petitioner that after selection process, Clause 10 of the Guidelines, 2016 has not been given effect to and till date the certificates of respondent no.9 have not been verified by the Child Development Project Officer, this Court deems it fit and proper to dispose of the writ petition with a direction to the State respondent authorities, especially the District Programme Officer, Darbhanga to get the certificate of the private respondent no.9 verified.

7. In case, the certificate of respondent no.9 is found genuine, no action is required to be taken. However, if the



contention of the learned Advocate for the petitioner finds force after verification of the certificate, necessary order is required to be passed.

8. The writ petition stands disposed of.

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.11.2024
Transmission Date	NA

