

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8156 of 2015

=====

Sonam Kumari Wife of Jitendra Kumar, Resident of Mohalla-Dharm samaj
Chowk Motihari, District- East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar through its Principal Secretary (Education), Bihar, Patna.
2. Bihar Mahadalit Vikas Mission, Bihar Patna through its Chairman.
3. Program Director, Bihar Mahadalit Vikas Mission, Bihar Patna.
4. The District Magistrate, East Chamaparan at Motihari.
5. District Program Officer, East Chamaparan at Motihari.
6. Sub Divisional Officer, Sadar Motihari, East Chamaparan.
7. Executive Officer, Nagar Parishad, Motihari, East Champaran.
8. The secretary Bihar Sanskrit Education Board, Patna, Bihar.
9. The Examination Controller, Bihar Sanskrit Education Board, Patna, Bihar.
10. The Headmaster, Satya Narain Prathmik cum Madhyamik, Sanskrit School
Ashiman Chapra P.S.- Block, Kalyanpur, Dist.- East Champarana.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Respondent/s : Mr. Anirban Kundu, SC 24
Mrs. Shally Kumari, AC to SC 24

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 22-04-2024

Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the Bihar Sanskrit Siksha Board
as well as learned counsel appearing on behalf of the State.

2. The present writ petition has been filed for the
following reliefs:-

*“(i) For issuance of writ in the nature of
certiorari or any other appropriate writ for
quashing the memo no. 547 dated
02.06.2014 issued under the signature of
Sub Divisional Officer Sadar Mothari by*



which the Learned Sub Divisional Officer ask show cause as to why the selection occurred on the post of Vikas Mitra should be terminated and recommendation for lodging the F.I.R. as you have got appointment letter on the basis of forged certificate (Annexure-3).

(ii) For issuance of writ in the nature of certiorari or any other appropriate writ for quashing the advertisement dated 09.05.2014 published in the Hindustan News Paper the for appointment / selection of the post of Vikas Mitra of ward No. 13, though the petitioner has been discharging her duty as a Vikash Mitra in the said ward (Annexure-9).

(iii) For issuance of writ in the nature of mandamus or any other appropriate writ for commanding the respondent No. 8 and 9 to file show cause cum explanation in which circumstance they have issued letter No. 356 dated 27.03.2014 by which informed the respondent No. 6 that the marksheet as well as other paper submitted by the petitioner at the time of her appointment on the post of Vikash Mitra was forged though the said respondent i.e. respondent No. 8 and 9 issued 2nd mark sheet to the petitioner when she applied for procurement.

(iv) For issuance of writ in the nature of mandamus or any other appropriate writ for directing the respondent No. 8 and 9 to produce T.R. as well as original certificate of the petitioner before the court for adjudication of the case.

(v) For issuance of writ in the nature of mandamus or any other appropriate writ for directing the respondent not to disturbed the petitioner from her service since she had produced the certificate issued by the Board as well as school authority.

(vi) For issuance of writ in the nature of mandamus or any other appropriate writ for directing the respondent to pay salary



/grant to petitioner updated since he had been discharging her duties regularly with full devotion.

(vii) For issuance of any other appropriate writ orders or directions or other consequential relief/s which your lordships may deem fit and proper in the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that pursuant to an advertisement published in the year 2013 by the State Government SC/ST Welfare Department, Government of Bihar had invited an application for selection of Vikash Mitra in Panchayat level in rural area and the petitioner had applied for the same and she was selected and appointed as Vikash Mitra in Ward No. 13 on 05.01.2014 and joined on 09.01.2014. He further submits that the petitioner was appearing in the Satya Narayan Prathmik cum Madhyamik Sanskrit School, Ahiman Chapra, East Champaran and passed examination from Bihar Sanskrit Education Board First Information Report first division having got 448 marks in the year 2007 and at the time of counseling she had furnished all the original certificates issued by the competent Board/University. Then the office of the respondent no. 6 has sent letter dated 29.01.2014 along with attested mark sheet of petitioner to the Bihar Sanskrit Education Board for verification of the same and informed the respondent no . 6 that the petitioner has failed in the said examination.



4. Learned counsel for the petitioner further submits that after receiving the letter from the Sanskrit Education Board, a show cause notice was issued to the petitioner vide memo no. 545 dated 02.06.2014 asking the petitioner as to why appointment should not be discharged for submitting forged certificate. He further submits that the petitioner has filed a detailed reply to the show cause before the authority concerned and submitted that she has submitted the original certificate which she has received from the competent board/University.

5. A supplementary counter affidavit has been filed on behalf of the State in which he has informed this Court that as per the report of the District Project Officer-cum-District Welfare Officer, East Champaran vide letter dated 19.02.2024 the post of Vikash Mitra under the Ward concerned (Ward No. 13) is still vacant.

6. A counter affidavit has also been filed on behalf of the respondent nos. 8 and 9 (Sanskrit Education Board) and stand of the Sanskrit Board is that inadvertently the petitioner has been earlier declared as failed in examination on account of miscalculation of the marks secured by the petitioner in Science subjects. Only theoretical marks i.e. 22 marks has been added in the total marks whereas the practical marks i.e. 12 marks has



been left out. The Board has issued order no. 2952 dated 27.05.2016 by which the said error has been rectified and the petitioner has been declared successful.

7. In view of the stand taken by the Board as well as the State, the respondent no. 6 is directed to appoint the petitioner on the post in question within a period of four weeks’ from the date of production/receipt of copy of this order and respondent no. 6 is further directed to pass a reasoned order with respect to the salary of the petitioner.

8. Accordingly, the said writ petition stands allowed with the aforesaid direction.

(Rajesh Kumar Verma, J)

Vanisha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	23.04.2024
Transmission Date	N/A

