

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11255 of 2024

Chanchala Kumari W/o Madheshwar Singh Chandrawanshi, Resident of
Village- Kanaushi, P.S.- Konch, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The Commissioner, Magadh Division, Gaya, District- Gaya.
4. The District Magistrate, Gaya, District- Gaya.
5. The District Programme Officer, Gaya, District- Gaya
6. The Child Development Project Officer (C.D.P.O.), Guraru, District- Gaya.
7. The Chairman of Anganwari Sevika/ Sahayika Selection Committee,
Village- Kanoushi, Block- Guraru, District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashutosh Singh, Adv.
For the Respondent/s	:	Mr. K.P. Gupta, GP-10 Mr. Satya Vrat, AC to GP-10

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 30-07-2024 Heard Mr. Ashutosh Singh, learned counsel for the

petitioner and Mr. K.P. Gupta, GP-10 along with Mr. Satya Vrat,

AC to GP-10 for the State.

2. Learned counsel appearing on behalf of the
petitioner is aggrieved by the action of the Child Development
Project Officer (hereinafter to be referred as the “C.D.P.O.)”
Guraru, Gaya, who has directed the petitioner to deposit a sum
of Rs.2,40,977, which was paid to her for the period during
which she has served as Anganwari Sevika i.e. from June 2018
to April 2022. The main contention of the petitioner is that the



‘*Aam Sabha*’ was convened on 17.02.2017 and the C.D.P.O. was the Chairman of the said *Aam Sabha* under whose presence the petitioner was selected as *Anganwari Sevika* ,having fulfilled all the requisite criteria.

3. Learned counsel further submitted that it was the laches on the part of the C.D.P.O., who was required to verify the certificates of each candidate from the concerned examinee body but that having not been done at the time of selection and after the petitioner has served for a considerable period of time and she having realized that her Matriculation Certificate is forged, the authorities have proceeded to take action against the petitioner.

4. Learned counsel further submitted that the petitioner has admitted and informed that her matriculation certificate was not genuine and she herself chose to resign from the post of Anganwari Sevika.

5. Learned counsel further submitted that the petitioner comes from a very poor family and she belongs to Below the Poverty Line and she is ready to approach the Authority concerned with certificate duly issued by the Competent Authority in respect of her economical status being below the poverty line for considering her case sympathetically.



6. *Per contra*, Mr. Satya Vrat, learned counsel appearing on behalf of the State submits that the writ petition is not maintainable in light of the law laid down by the Apex Court in case of **State of Karnataka & Ors. vs. Ammerbi & Ors.** reported in **(2007) 11 SCC 681**, as well as, Clause 2 of Chayan Margdarshika 2016.

7. Learned counsel further submitted that the petitioner herself has admitted that her matriculation certificate is forged one and she got appointed on the basis of the said matriculation certificate, therefore, the action of the C.D.P.O. in issuing notice *vide* letter no. 496 dated 04.09.2023 is in accordance with law.

8. Having considered the rival submissions made on behalf of the parties, I find that the *Aam Sabha* was convened on 17.02.2017 and the C.D.P.O. was present in the meeting convened on 17.02.2017, but she has not cared to verify the documents. The qualification of the candidate for appointment as Anganwari Sevika is matriculation pass certificate from a recognized examining body of the State Government or any recognized examining body. I find that the C.D.P.O. has not acted in accordance with guidelines and the law at the time of selection. The petitioner has tendered her resignation after being



informed that her matriculation certificate is not genuine, call for scrutiny and enquiry at higher level. Let this matter be referred to the Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna for taking action against all those who are responsible for the illegal act.

9. Till the final decision is taken by the Principal Secretary, Social Welfare Department, Government of Bihar, Patna, no coercive action shall be taken against the petitioner who has herself admitted her guilt for taking disciplinary action against her.

10. With the above observation/direction, the present writ petition stands disposed of.

(Purnendu Singh, J)

sudhanshu/-

U			
---	--	--	--

