

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14984 of 2024

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Kusum Devi @ Kusum Kumari Wife of Surendra Mehta Resident of Village-
Deohara, P.S.- Jamhore, Distirct- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Aurangabad.
2. The District Programme Officer, Aurangabad.
3. The Incharge Officer, District Development Branch, Aurangabad.
4. The Child Development Project Officer, Aurangabad.
5. Chanchala Devi, Wife of Lawkesh Kumar Resident of Village- Deohara,
P.S.- Jamhore, District- Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar Pandey, Adv
For the Respondent/s : Mr. Shiv Kumar, AC to GA-3

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-09-2024 Heard Learned Counsel for the petitioner and

Learned Counsel for the State.

2. The present writ petition has been filed for quashing of the order dated 18.07.2024 passed in Anganwari Sevika Selection Appeal Case No. 125/2023 passed by learned District Magistrate-cum-Collector Aurangabad by which learned appellate Court rejected the Selection of the petitioner on the Post of Anganwari Sevika situated at Centre 199, Deohara, Aurangabad without hearing the petitioner and also directed to recover the honourium who was working since the year 2014 about last 10 years without appreciating the facts and



circumstances of the case.

3. Learned Counsel for the petitioner submits that petitioner has been selected for the post of Anganwari Sevika on 21.08.2014 by a selection Committee. He further submits that his appointment was challenged vide case no. 02/2014 in which a series of objections were raised, and finally, a direction was made to verify the certificate of Intermediate of the petitioner. In compliance of the order of verification, certificate of the petitioner was verified. In the meantime, petitioner's opponent has filed an appeal and the appeal was heard by the appellate authority, and thereafter, the appeal was dismissed against which the Respondent No. 5 has challenged the said order before this Hon'ble Court vide C.W.J.C. No. 3545 of 2018 which was heard on 26.09.2023, and thereafter, order has been passed by this Hon'ble Court in which direction was made to the Collector, Aurangabad to once again get the documents verified from the concerned authority, as the documents provided by the authorities of the Uttar Pradesh is contradictory and the Collector, Aurangabad shall be at liberty to take decision freely in this matter. He further submits that it has been indicated in the order passed by Collector that special messenger has been sent for verification, but details of the said messenger and



findings of the messenger is missing in the said order. He further submits that as this order has been passed behind the back of the petitioner and ample opportunity has not been granted to the petitioner of hearing, therefore, the order passed by the Collector, Aurangabad is bad in law and may be set aside.

4. Counsel for the State on the other submits that the contention raised by the petitioner that order has been passed behind the back of the petitioner is not correct, as it has been indicated in the order sheet that both the parties were present and it has also been acknowledged that the appearance has been filed, but at the time of argument, the opponent was not present. He further submits that everything has been explained in the order-sheet and reason has also been assigned that why the Collector, Aurangabad reached on the conclusion that the document of the petitioner is forged and fabricated.

5. After hearing the parties, it transpires that the original certificate of the petitioner has been repeatedly demanded by the Collector, Aurangabad but it has not been produced by petitioner. It also transpires that in the operative part of the order, the specific reason has been assigned that special messenger has intimated to the Collector that the letter in which the certificate was found to be correct is basically false.



6. In this view of the matter, the present application is
dismissed.

(Dr. Anshuman, J)

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