

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6220 of 2025

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Punam Kumari W/o Mangal Sah, R/o - Village- Dhanej, P.S. - Kargahar,
District - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Old Secretariat, Govt. of Bihar, Patna.
2. The Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
3. The Director, ICDS, Directorate, Ramcharitar Singh Path, Bihar, Patna.
4. The District Magistrate, Rohtas, Sasaram.
5. The District Programme Officer-cum-First Appellate Authority, Rohtas, Sasaram.
6. The Child Development Project Officer, Kargahar, Rohtas at Sasaram.
7. The District Education Officer, Rohtas at Sasaram.
8. The Selection Committee Anganwari, Ward No. -2, Dhanej, Gram Panchayat Shivan, Block - Kargahar, District- Rohtas at Sasaram.
9. Reema Kumari, W/o Pappu Kumar Singh, R/o Village and P.O. - Dhanej, P.S- Kargahar, District- Rohtas at Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Adv.
For the Respondent/s	:	Mr. Raghwendra Kumar, SC-22
		Mr. Ravi Ranjan, AC to SC-22
For the Resp. No. 9	:	Mr. Babu Nandan Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 24-04-2025

Heard the parties.

2. The petitioner is aggrieved with the order dated 07.05.2024 passed by the learned Divisional Commissioner, Patna passed in ICDS Case No. 398 of 2022, whereby the revision preferred by the petitioner came to be rejected and the order of the District Programme Officer, Rohtas at Sasaram



dated 20.05.2022 came to be affirmed.

3. Mr. Ashok Kumar, learned Advocate for the petitioner has contended that pursuant to an advertisement dated 17.03.2018, the petitioner along with other eligible candidates applied for the post of Anganwadi Sevika for Anganwadi Center, Dhanej, Gram Panchayat Shivan under the district of Rohtas. The petitioner having secured 73.05 % of marks finds place at serial no. 1 in the merit list and accordingly, she was selected for the post of Anganwadi Sevika and sent on training. Upon completion of the training, the petitioner gave her joining as Anganwadi Sevika on 10.08.2018, which was duly accepted and she had been discharging her duty to the entire satisfaction of the authorities concerned, till the order passed by the District Programme Officer dated 11.05.2022, which is also impugned herein.

4. It is further contended that a complaint was filed with regard to genuineness of the Educational Certificate of the petitioner which was duly issued by the All India Council of Open Schooling, West Bengal. To support the genuineness of the certificate, in question, attention of this Court has been drawn to the letter issued by the District Programme Officer, Rohtas at Sasaram addressed to the CDPO, Kargahar, as



contained in Memo No. 274 dated 16.06.2016 wherein it has been informed that the certificate issued by the All India Council of Open Schooling, West Bengal is not invalid. He further submitted that the Government of Bihar in the Department of Human Resources has also come out with the list of the name of the institution, whose certificates are said to be not valid for appointment to the post of teachers in primary schools, the copy of which is also marked as Annexure-P/7. Referring thereto, it is submitted that the name of the subject institution, i.e., All India Council of Open Schooling, West Bengal does not figure in the said list. Hence, in no circumstances it can be said to be an invalid institution.

5. Adverting to the aforesaid facts, it is thus contended that the cancellation of the selection of the petitioner is wholly illegal and bad. The District Programme Officer as well as the Divisional Commissioner, Patna Division have failed to consider the aforesaid facts, while passing the impugned orders.

6. Learned Advocate for the State and the private respondents dispelling the aforesaid contention has submitted that so far the letter of the District Programme Officer dated 16.06.2016 is concerned, admittedly it is issued much prior to the selection process, inasmuch as mere not mentioning of the



name of the institution in the list does not automatically validate the degree of any institution, which has no recognition. Learned Advocate for the State further contended that the petitioner has neither mentioned about her educational qualification nor even the certificate has been brought on record, which also shows her lack of bona fide; moreover, the impugned order is based upon a report submitted by the District Education Officer, Sasaram.

7. Having considered the submissions advanced on behalf of the learned Advocate for the respective parties and after going through the impugned order passed by the District Programme Officer as well as Divisional Commissioner, Patna Division, this Court finds that before passing an impugned order, a report was called for by the District Education Officer, Sasaram who has categorically reported vide its letter dated 02.11.2018 that the All India Council of Open Schooling, West Bengal is not a valid and recognized institution for selection of teachers, and based upon which, the District Programme Officer, Rohtas at Sasaram as well as Divisional Commissioner, Patna reached to the conclusion of invalidating the subjected certificate.

8. The petitioner is also unable to bring any document to buttress her submission regarding the genuineness of the



certificate issued by the All India Council of Open Schooling, West Bengal. Moreover, this Court also finds substance that mere non inclusion of the name of any institution in the list of unrecognized or invalid institution, does not *ipso facto* makes the certificate of left out institution as genuine, valid and recognized, unless there are other reliable documents in favour of the institution. All the more, in all fairness, even the subjected certificate has not been brought on record, nor the qualification of the petitioner has been disclosed; the reason best known to the petitioner.

9. On all the counts, this Court does not find any merit in the writ petition. The writ petition stands dismissed.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.04.2025
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