

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8960 of 2024

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Rubi Kumari Rani Wife of Lalan Kumar @ Lalan Prasad Yadav Resident of
Village-Garhi, P.S- Lakhisarai. District-Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Director, Integrated Child Development Services under Social Welfare Department, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Munger.
3. The District Magistrate, Lakhisarai.
4. The District Programme Officer, I.C.D.S Cell, Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate
For the Respondent/s : Mr. Swapnil Kumar Singh AC to GP 19

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 08-09-2025 Heard the learned counsel for the petitioner and the

learned counsel for the State.

2. The writ petition has been filed for issuance of an

appropriate writ/writs, direction/directions for following
reliefs :-

- (i) For issuance of an appropriate writ in the nature of certiorari for quashing the order dated 29.02.2024 passed by Learned Divisional Commissioner Munger in Anganbari Revision Case No. 08/2024 whereby and whereunder the respondent authority rejected the revision on the ground that this court has no jurisdiction to entertain the revision in terms of guideline 2016;*
- (ii) For issuance of an appropriate writ in the nature of certiorari for quashing the*



order dated 22.07.2023 passed in Anganbari Appeal No. 15/2019 passed by the Learned District Magistrate Lakhisarai by which Learned Appellate Authority confirmed the order dated 22.8.2019 passed by Learned District Programme Officer, Lakhisarai in Public complaint Case No. 93/2018 by which selection of petitioner for Anganbari Sevika was cancelled without appreciating the facts and circumstances of the case;

(iii) For issuance of an appropriate writ in nature of mandamus directing the respondent authorities not to disturb the petitioner in conducting the Anganbari Centre No. 109 and also stay the operating of impugned order dated 22.7.2023 passed in Anganbari Appeal No. 15/2019 as well as order dated 22.8.2019 passed in Complaint Case No. 93/2018 passed by Respondent authorities No.2 to 4 of the writ petition.

3. One Interlocutory Application i.e., *I.A. No.*

01 of 2024 has been filed for modifying the prayer to the extent to also challenge the fresh advertisement which was issued under the signature of District Programme Officer, ICDS, Lakhisarai dated 30.10.2024 by which various centre of the District Lakhisarai including the post of Sewika at Centre Code No. 109, Garhi Vishanpur, Lakhisarai situated in Yadav Tola, Garhi Vishanpur their details shown at Sl. No. 147 of the list.



4. For the reasons mentioned in the interlocutory application i.e., I.A. No. 01 of 2024 seeking amendment in the prayer portion of the main writ application, the same stands allowed.

5. The service of the petitioner as Anganbari Sevika was terminated on 22.08.2019 saying that earlier in the year 2012, the petitioner had filed a forged and fabricated marksheet and thereafter, the appointment was cancelled. The whole selection process of the Advertisement for 2012 was cancelled and in the year 2017, a fresh advertisement was advertised for vacancy of Anganbari Sevika and the petitioner applied for the post of Anganbari Sevika having good marks in matriculation and she had filed her matriculation certificate which shows that she has obtained 460 marks i.e., 57.5 % marks in the matriculation examination and she was selected for the post of Anganbari Sevika for the Centre 109 and an appointment letter was issued on 19.09.2017. On the basis of the marksheet/certificate produced by the petitioner, the veracity of which has not been challenged by the respondent authorities, the petitioner was appointed. Thereafter, on 16.01.2019, one Mukesh Kumar gave a complaint before the District Public Grievances Redressal Officer Lakhisarai and her appointment



was challenged and the petitioner was terminated and it had been held that because the petitioner had earlier filed another marksheet, therefore, the selection of the petitioner was cancelled.

6. The learned counsel for the petitioner has submitted that after the first advertisement, the petitioner had filed an application for correction of her mark-sheet and she was not debarred from participating in the second selection.

7. The learned counsel for the State has submitted that since the petitioner has produced a different mark-sheet which creates a doubt about her selection in the second recruitment process which was held after five years, and therefore, the selection of the petitioner was terminated.

8. I have considered the submissions of the parties and perused the materials available on record.

9. The petitioner had applied for the post of *Aganwadi Sewika* in the year 2012 with a manipulated/altered mark-sheet however, pertinently, the aforesaid recruitment procedure was cancelled and as such the attempt by the petitioner to secure a government job could not fructify. Subsequently, in the year 2017, the petitioner had again applied against the advertisement of *Aganwadi Sewika* for Centre-109 at



Village-Garhi, Bishanpur Panchayat Yadav Tola, and against the aforesaid advertisement, this time however, the petitioner had applied with a genuine and correct mark-sheet and was also finally recruited against the aforesaid post. Upon verification the mark-sheet issued by the Bihar School Examination Board, which was submitted by the petitioner, in the year 2017 was also found to be correct and genuine and the petitioner was continuing in her service.

10. In the year 2019, against a complaint made by one Mukesh Kumar alleging that in the year 2012, i.e., in the previous recruitment process, the petitioner had attempted to secure a government job through a manipulated mark-sheet. Consequent upon the aforesaid complaint, the impugned orders were passed by the respondent authorities.

11. In the considered opinion of this Court, the petitioner had committed a grave infraction in attempting to secure the government service by producing the incorrect/manipulated mark-sheet, in the previous recruitment process, in the year 2012. However, pertinently the respondents had not debarred the petitioner from public service from date of earlier recruitment process. It is apparent from the records of the case that the petitioner was proceeded against only in the year



2019 when the complaint was filed by one aforesaid Mukesh Kumar. It is also clear that the respondent authorities had failed to take any action against the petitioner, earlier when the petitioner had committed the mischief of producing a manipulative mark-sheet and attempted to secure the public service on the strength of the same.

12. Considering the fact that the petitioner has already suffered for five years inasmuch as she was unable to secure any appointment from the aforesaid attempted mischief of filing a different/forged certificate and also the fact that that the State had not imposed any punishment of debarment upon her from participating in any fresh selection process coupled with the fact that the instant petitioner is a forty five year old female and the present appointment of the petitioner, admittedly, is not tainted by any irregularity, this Court in the peculiar facts of the present case and in the interest of justice considers it appropriate and necessary to set aside the impugned orders.

13. Accordingly, the impugned orders dated 29.02.2024 passed by Learned Divisional Commissioner Munger in Anganbari Revision Case No. 08/2024, the order dated 22.07.2023 passed in Anganbari Appeal No. 15/2019 passed by the Learned District Magistrate Lakhisarai and the



the order dated 22.8.2019 passed by Learned District Programme Officer, Lakhisarai in Public complaint Case No. 93/2018 are hereby set aside. The petitioner is directed to be reinstated in the service forthwith.

14. In light of the aforesaid reinstatement of the petitioner to her post, the prayer made in the Interlocutory Application 01 of 2024 has been rendered nugatory. It is however made clear that the petitioner shall be reinstated forthwith to her service and the aforesaid advertisement issued by the District Program Officer, ICDS, Lakhisarai dated 30.10.2024 shall be amended, if necessary, considering the reinstatement of the petitioner to her post.

15. With the aforesaid observation and direction, the writ petition stands allowed.

(Sandeep Kumar, J)

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