

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6362 of 2017

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Savita Kumari Wife of Sri Sanjeet Kumar Singh, Resident of Village Baruari,
P.S.- Gaighat, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Public Education cum Joint Secretary, Education Department, Government of Bihar, Patn
4. The District Magistrate, Muzaffarpur.
5. The District Education Officer, Muzaffarpur.
6. The District Programme Officer, Secondary Education and Literacy Madhyamik Shiksha awam Shaksharta
7. The Chief Programme Coordinator, Secondary Education and Literacy Mission, Muzaffarpur.
8. The Block Education Officer, Gaighat, Dist.- Muzaffarpur.
9. The Pramukh, Gaighat Block, Dist.- Muzaffarpur.
10. The Key Resource Person KRP, Mukhyamantri Akshar Anchal Yojana- cum-Secretary, Selection Committee
11. Md. Islam Haidar, the then Block Incharge, Gaighat, Dist.- Muzaffarpur and presently posted as key
12. Rupesh Kumar Singh, Son of Shailendra Kumar Singh, resident of Maheshbara, Panchayat Shivdaha, P.S.- Gaighat, Block- Gaighat, Dist.- Muzaffarpur presently working as Block Project Coordinator, Gaighat, P.S.- Gaighat, Dist.- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vaidehi Raman Pd. Singh, Advocate Mr.Rajan, Advocate
For the Respondent/s	:	Mr.Kameshwar Kumar- Gp17 Mr. Amit Bhushan, AC to GP 17

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 22-09-2025 1. Heard the parties.

2. The petitioner has filed the present writ application for
quashing the office order passed by the District Programme



Officer, Secondary Education and Literacy, Muzaffarpur vide Memo No. 29 dated 05.01.2016 whereby her claim to function as Block Programme Co-ordinator, Gaighat Block and to get arrears and current honorarium was rejected and her appointment order dated 06.07.2013 bearing memo no. 459 was cancelled. The petitioner has further prayed for quashing the appointment of the respondent no. 12 / Rupesh Kumar Singh and restore her appointment and permit her to work as Block Programme Co-ordinator under the Sakshar Bharat Mission, 2012.

3. The case of the petitioner in short is that applications were invited for the post of Block Programme Co-ordinator, Gaighat Block under Sakshar Bharat Mission, 2012 and in response thereto the petitioner, respondent no. 12 and several other candidates submitted their application. The petitioner had secured 597 marks in the Intermediate Examination whereas the respondent no. 12 had obtained only 455 marks. Despite her higher academic qualification and superior experience she was not called for interview and respondent no. 12 was appointed on the post. Aggrieved thereby, the petitioner filed a complain before the Public Grievance Cell, Muzaffarpur Collectorate. On such complain, an enquiry was conducted by the Senior Deputy



Collector, Muzaffarpur who reported serious irregularities in the selection process noting that no merit list was published and no interviews were held and accordingly recommended for cancellation of the appointment of respondent no. 12. Acting upon the said report, the District Programme Officer, Muzaffarpur vide Memo No. 459 dated 06.07.2013 cancelled the appointment of respondent no. 12 and approved the appointment of the petitioner as Block Programme Co-ordinator. The petitioner joined on 10.07.2013, marked her attendance, and awaited assignment of work. However, neither any duty was entrusted to her nor she was paid the honorarium instead the authorities continued to take work from the respondent no. 12. Being aggrieved the petitioner filed CWJC No. 7509 of 2014 before this Court which was disposed of on 22.01.2015 with liberty to the petitioner to file a representation before the District Programme Officer, Muzaffarpur. The said authority was directed to consider and decide the petitioner's claim by passing a reasoned and speaking order within two months of filing of such representation.

4. In compliance with the aforesaid direction, the petitioner submitted a detailed representation. During the pendency of the contempt proceedings initiated by her bearing MJC No. 140 of



2016 the District Programme Officer, Muzaffarpur vide office order dated 05.01.2016 having Memo No. 29 cancelled the petitioner's appointment and declared the appointment of respondent no. 12 - Sri Rupesh Kumar Singh to be legal and valid. The said order recorded that the petitioner's appointment as Block Programme Coordinator was not made by competent authority and was based upon an experience certificate subsequently found to be forged. It further recorded that petitioner neither discharged any duty on the post nor produced any evidence in support thereof, whereas, the respondent no. 12 was duly selected by the Block Selection Committee on the basis of his qualification and experience and has been effectively discharging the functions of the post.

5. Learned counsel for the petitioner argued that while passing the impugned order, the District Programme Officer failed to take into account the report of Senior Deputy Collector, Muzaffarpur dated 20.03.2013 which had categorically observed that respondent no. 12 had been appointed without adherence to merit and without granting opportunity of interview to other eligible candidates. The petitioner asserts that she possessed the requisite experience of Master Trainer as evidenced by the Certificate No. 23 dated



02.06.2008 duly issued under the joint signature of Block Incharge, Block Literacy Committee, Gaighat and the Sadhan Sevis Coordinator, Block Literacy Committee, Gaighat. It is further argued that despite her lawful appointment and joining, no work was ever assigned to her whereas the respondent no. 12 continued to function on the post illegally. The District Programme Officer having already cancelled the appointment of the respondent no. 12 vide Memo No. 459 dated 06.07.2013 lacked jurisdiction and authority to review and annul his earlier order and as such the impugned order is wholly without authority and liable to be set aside.

6. On the other hand, learned counsel for respondents argued that pursuant to the order passed by this court in CWJC No. 7509 of 2014 filed by the petitioner, the District Programme Officer, Muzaffarpur disposed the representation of the petitioner by a speaking order. While disposing the representation the District Programme Officer, Literacy, Muzaffarpur considered every aspect and passed a reasoned order and rejected the claim of the petitioner holding that petitioner's appointment was without jurisdiction. Learned counsel further submits that this Court directed the petitioner to file a representation before the District Programme Officer,



Muzaffarpur as such the contention of the petitioner that District Programme Officer, Muzaffarpur was not having jurisdiction is misconceived. The Government vide Memo No. 1247 dated 25.06.2012 provided that cancellation of an existing appointment and substitution by another could only be effected by the proper selection committee with the approval of the Chairman which was not followed in the case of the petitioner. The respondent no. 12 was selected by a duly constituted Block Level Selection Committee comprising the Block Pramukh, Block Education Officer, Accounts Expert and Key Resource Person. His experience as Volunteer Trainer and Akshar Dut was duly verified and found correct. The experience certificate relied upon by the petitioner was found to be forged in course of enquiry as confirmed by the written report dated 05.04.2014 of Md. Islam Haidar, the then Block Incharge, who categorically denied having issued such certificate.

7. I have heard learned counsel for the parties and have gone through the material on record. It appears that appointment of the petitioner was not done by duly constituted selection committee whereas appointment of the respondent no. 12 was made by duly constituted Block Level Selection Committee. The experience certificate submitted by the petitioner as Master



Trainer was found to be forged on the basis of the report submitted by the competent authority. Once this Court remitted the matter back before the District Programme Officer, Muzaffarpur for fresh consideration, the earlier report submitted by Senior Deputy Collector, Muzaffarpur dated 20.03.2013 regarding the status of appointment of petitioner and the respondent no. 12 is inconsequential.

8. The competent authority i.e. District Programme Officer, Muzaffarpur after due consideration of the material on record and pursuant to this Court's direction has passed a reasoned order holding that respondent no. 12 appointment was valid and that of the petitioner was not valid i.e. without jurisdiction, as such, this Court cannot substitute its own views in exercise of writ jurisdiction under Article 226 of the Constitution of India unless perversity or illegality apparent on the face of it is demonstrated, which is not the case here. For the reasons aforesaid, this Court finds no merit in the writ application. The same is accordingly dismissed.

(Anil Kumar Sinha, J)

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