

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1393 of 2019

In
Civil Writ Jurisdiction Case No.13990 of 2014

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Pramila Devi W/o Rabindra Mandal resident of village - Nagrahbasa, Post Dobha, P.S. Rupauli, District - Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. The Collector Patna
3. The Regional Development Officer Purnea
4. District Programme Officer Purnea
5. Child Development Project Officer Rupauli Block, Purnea
6. Mala Kumari W/o Dilip Sharma Resident of Village- Nagrahbasa-Dobha, P.O.- Dobha, P.S.- Rupauli, Distt.- Purnea

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashok Kumar Yadav
For the Respondent/s : Mr. Gyan Prakash Ojha (Ga7)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

10 15-04-2025 In compliance of the order dated 08.04.2025,

Headmaster, Government Basic School, Arjpur – Karelal

Mandal is present.

2. Appellant has assailed the order of the learned

Single Judge dated 24.09.2019 passed in CWJC No. 13990 of

2014. Subject matter of litigation is relating to selection and

appointment of Aanganvadi Sevika for Centre No. 76 at

Nagarahbasa Panchayat in the District of Purnea. Perusal of the



records, it is evident that the post is required to be filled up among the BC category, for the reasons that population of BC category in that particular area is on the higher side and it is in the light of guidelines issued by the State Government governing the post of *Aanganvadi Sevika*. The appellant was not selected for *Aanganvadi Sevika* and on the other hand 6th respondent – Mala Kumari was selected. Appellant claimed under BC category on the other hand 6th respondent, claim is under EBC category. 6th respondent – Mala Kumari is more merited than the appellant in the light of the chart prepared by the concerned authority, at the same time the post is required to be filled up among the BC category in the light of guidelines to the effect that BC category is more populated at Nagarahbasa Panchayat in the District of Purnea. Therefore, 6th respondent has no locus.

3. Insofar as claiming post of *Aanganvadi Sevika* for center no. 76 at Nagarahbasa Panchayat in the District Purnea. The next issue is relating to the date of birth of the appellant has been shown as 08.02.1980 or 08.04.1986. On this issue, learned Single Judge has proceeded to pass orders with reference to certain communication of District Programme Officer, in which he has recorded the date of birth of the appellant as 08.02.1980



(correct date in the communication of the District Programme Officer is 05.02.1980). Therefore, sole issue left for consideration in the present LPA is whether date of birth of the appellant is 08.02.1980 or 08.04.1986. In this regard, we have summoned the original records from the concerned school in order to ascertain what is the actual date of birth of the appellant and we found that appellant's date of birth is 08.04.1986 and not 05.02.1980. To this extent, learned Single Judge has committed error in not summoning the records from the concerned authority in order to find out what is the actual date of birth of the appellant was entered in the school records.

4. On the other hand, he has relied on certain communication of the District Programme Officer. District Programme Officer's communication relating to communication which contains date of birth of the appellant is 05.02.1980 is not supported by any material information. Having regard to the fact that we have perused the original records relating to date of birth of the appellant from the school records, the appellant has made out a case on this point.

5. Accordingly, the order of learned Single Judge dated 24.09.2019 passed in CWJC No. 13990 of 2014 stands set aside. CWJC No. 13990 of 2014 stands allowed while quashing



the impugned order number 3 which is under challenge in CWJC No. 13990 of 2014. The concerned respondents are hereby directed to accept appellant's joining report, extend all service and monetary benefits to the appellant within a period of six months from the date of receipt of this order, taking which appellant is entitled to litigation cost and it is quantified @ Rs. 25,000/- (twenty five thousand), for the reasons that appellant is before this Court in two sets of litigations.

6. Pending I.A.(s), if any, stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

Ankit/Sushma/-

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