

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case no.8239 of 2017

Smt. Anita Kumari W/o Ram Pravesh Kumar, Resident of Village- Rajapakar,
P.O.P.S.- Rajapakar, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The Collector, Vaishali at Hajipur.
4. The Additional Collector, Vaishali at Hajipur.
5. The Sub Divisional Magistrate, Sub Division Mahua, P.S.- Mahua, District- Vaishali.
6. The Block Development Officer, Block Rajapakar, District- Vaishali.
7. The Nodal Officer, G.P.S. The Block Panchayat Raj Officer Block Rajapakar, District- Vaishali.
8. Smt. Gayatri Kumari, W/o Dharmendra Sharma, Resident of Village P.O.P.S.- Rajapakar, District- Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prem Ranjan Kumar, Advocate
For the Respondent/s : Mr. Manish Kumar, A.C. to AAG6

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 16-02-2026

1. Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The petitioner in the instant writ application has prayed for quashing the order dated 21.3.2017 passed by the



Collector, Vaishali at Hajipur whereby the application/appointment of the petitioner on the post of Gram Kachhari Secretary of Gram Panchayat Raj Rajapakar (Uttari) in District Vaishali was cancelled and a further order for recovery of the honorarium paid to the petitioner was made.

3. The relevant facts in brief are that the respondents having come out with the notice on the board in the office of the Gram Panchayat Rajapakar for appointment on the post of Gram Kachhari Secretary on contract basis, the petitioner and others being eligible, filed their applications. The successful applicants were called for counseling. In the merit list prepared for appointment on the post of Gram Kachhari Secretary, while the name of the respondent no.8 figured at serial no.1, the name of the petitioner figured at serial no.2.

4. It is the case of the petitioner that the respondent no. 8 not having appeared in counseling, the petitioner came to be appointed on the said post.

5. The respondent no. 8 filed an application before the Sub-divisional Officer challenging the appointment of the petitioner as Gram Kachhari Secretary, however, the same was rejected by order dated 29.8.2009 (Annexure-9).

6. The appeal preferred by respondent no. 8 before



the Collector, Vaishali at Hajipur came to be allowed by order dated 21.3.2017, impugned herein.

7. It is submitted by learned counsel for the petitioner that the appointment of the petitioner having been made on 1.10.2007, as per the applicable Rules, the affected party had to challenge the appointment within a period of 30 days. The respondent no. 8 came to challenge the same by filing a case more than 1 year 10 months later on 12.8.2009 which was rightly rejected by the Sub-divisional Officer by his order dated 29.8.2009.

8. Learned counsel further submits that thereafter the respondent no. 8 moved before the Collector, Vaishali at Hajipur against the order dated 29.8.2009 of the Sub-Divisional Officer, Mahua rejecting her application. The Collector allowed the appeal filed by the respondent no. 8 on erroneous grounds. It is submitted that firstly the Collector did not consider the limitation prescribed for a person ie the respondent no. 8 herein, in moving against the selection. Further the respondent no. 8 failed to prove before the authority concerned that she had appeared on the date of counseling. Referring to the order impugned, it is submitted that original records were not available with the authority concerned and the order etc. is



based on the copies of the records provided by respondent no. 8.

9. The application is opposed by learned counsel for the respondents.

10. Having heard learned counsel for the parties and having perused the contents of the petition, it transpires that on an application for appointment on the post of Gram Kachhari Secretary, a merit list was prepared. There is no disputing the fact that the respondent no. 8 having higher marks than the petitioner was placed at serial no. 1.

11. So far as the contention of the respondents that the original documents not being available, the respondents have passed the orders on the basis of the photocopy of the documents provided by the respondent no. 8 is concerned, it is to be taken note of the fact that pursuant to the matter having reached before the Collector, Vaishali at Hajipur, a direction was given for the matter to be inquired into. Pursuant to the said direction, the Additional Collector, Vaishali inquired into the matter in detail and by a report contained in letter no.87 dated 27.8.2011 (Annexure-B to the counter affidavit filed on behalf of the respondents) came to the finding that there had been interpolations in the counseling conducted for the reason that the signature of the petitioner and one another were shown to



have been made on 25.6.2007 when the counseling itself took place on 23.9.2007.

12. Not going into the details of the allegations and counter allegations leveled from both the sides, taking into consideration that it is not in dispute that the respondent no. 8 having higher marks than the petitioner was placed at serial no. 1 in the merit list prepared pursuant to the applications filed by the applicants, the Collector allowed the appeal of respondent no.8 by the order impugned dated 21.3.2017.

13. In view of the facts and circumstances of the case, the Court finds no illegality in the order impugned and no merit in the instant writ application.

14. The application is dismissed.

15. At this stage, it is submitted by the learned counsel for the petitioner that it is not disputed by the respondent authorities that the petitioner worked for a certain period for which she was paid honorarium. It is thus submitted that even if the Court has found no merit in the application filed by the petitioner, at least an order directing for recovery of the honorarium from the petitioner be set aside.

16. In view of the facts and circumstances of the case, the part of the order impugned dated 21.3.2017 passed by



the Collector, Vaishali at Hajipur so far as it directs for recovery of the honorarium from the petitioner is concerned, is set aside.

No recovery pursuant thereto shall be made from the petitioner.

(Partha Sarthy, J)

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CAV DATE	NA
Uploading Date	19.2.2026
Transmission Date	NA

