

In The Court of Commissioner, Saran Division, Chapra

Aanganbari Appeal No. 235/2012

Punam Srivastva

Vrs.

Binda Kumari & ors.

ORDER

The instant appeal petition is directed against the impugned order passed by DPO, Siwan on 21.05.2012 whereby and whereunder, the respondent No. 4 Binda Kumari has been appointed as Lady Supervisor and further the claim of the present appellant to be appointed as Lady supervisor by calculating her bonus marks for obtaining higher qualification has not been accepted resulting in denial of her appointed as lady supervisor.

The brief facts of the case are that the present appellant Punam Srivastva W/o Arbind Kumar R/o Vill Mahmoodpur, P.S. Barharia, Dist-Siwan has been working as Aanganbari Sevika from the year 1983 in the district Siwan. Further case is that the appellant applied for consideration of her name against the 25% quota of lady supervisor, fixed for working Aanganbari Sevikas, as per the Advt. issued in the Siwan district in the year 2011. However, the appellant name found place in the first provisional list published but in the final list her name was deleted on the ground that she was denied bonus marks for higher qualification. Her further case is that one Binda Kumari also an Aanganbari Sevika was appointed on the basis of higher qualification, although, the said qualification was obtained by her while working as Aanganbari Sevika and even without obtaining any permission for the same from any authority. This led to filing of representation by the appellant before DPO, Siwan which was finally refused on 24.08.2012, leading to filing of his case before this Court.

Heard.

The learned counsel appearing on behalf of the appellant in his brief argument submitted that as issue relating to acquisition of higher qualification during service as Aanganbari Sevika without obtaining permission from the authority has been settled by the Hon'ble High Court in CWJC No. 23102/2012, Manju Kumari Vrs The State of Bihar & ors., the present case also falls in the same category, the same should also be decided in the same way. The learned counsel also filed the copy of the said order in support of his claim.

No one appeared on behalf of the private respondent No. 4.

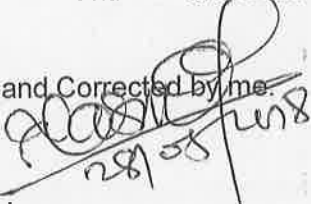
Considering the facts and circumstances of the case, material available on records, submission forwarded by the learned counsel for the appellant and on going through the order passed by Hon'ble High Courts as referred above, it appears that the issue involved in the instant appeal is akin to the issue decided by the Hon'ble High Court. It is also to be noted that in CWJC No. 23102/2012 order dt. 15.09.2012 passed by the then Commissioner, Saran Div. was under challenge in which claim for grant of bonus marks to the petitioner in view of her higher qualification her case for selection to the post of lady supervisor was denied. I find that since the issue has already been settled by the Hon'ble High Court, there is no issue remains to be decided by this Court in similar facts and circumstance of the case.

For that reason, the case is remanded to the DPO, Siwan for fresh consideration in the light of observation made by the Hon'ble High Court in CWJC No. 23102/2012 on

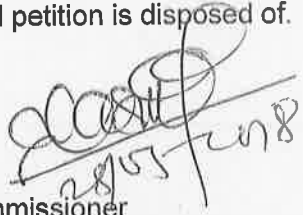
10.11.2014 and also to dispose of the representation filed by the petitioner, filed earlier, in accordance with law after hearing the parties.

With the aforesaid observations and direction, this appeal petition is disposed of.

Dictated and Corrected by me.



Commissioner
Saran Division, Chapra.



Commissioner
Saran Division, Chapra.