

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1562 of 2014

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1. Shabana Ara Wife Of Md. Alam Resident Of Village - Deramari, Ward No. 06, Gram Panchayat Raj Deramari, P.O. Patkoi, P.S. Kochadhaman, District - Kishanganj

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Social Welfare, Government Of Bihar, Patna
2. The Director, Of Social Welfare, Government Of Bihar, Patna
3. The Regional Development Officer, Punrea Region, Purnia
4. The District Magistrate, Kishanganj, District - Kishanganj
5. The District Programme Officer, Kishanganj, District - Kishanganj
6. The Child Development Project Officer, Kochadhaman Block, District - Kishanganj
7. The Chairman Of Selection Committee Of Aanganbari Sevika, Deramari Gram Panchayat Block - Kochadhaman, District - Kishanganj
8. Gausia Nasim Wife Of Shamshad Alam Resident Of Village - Deramari, Ward No. 06, Deramari Gram Panchayat - Block Kochadhaman, Patkoi, P.S. Kochadhaman, District - Kishanganj

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad

For the Respondent no.8 : Mr. Sanjay Singh and Mr. Firoz Ahmad.

For the State : Mr. Rakesh Kumar Singh, AC to G.P. 3.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL ORDER

4 11-03-2015 The impugned order i.e. Annexure 1 sets aside the order contained in Annexure 7, which was passed in favour of the petitioner, so the writ.

Petitioner was one of the applicants for selection on the post of Aangan Bari Sevika. It is her claim that she had higher marks viz-a-viz private respondent no.8, therefore, had a better claim for the post. However, there was some dispute with regard to the residence of the present petitioner and the



authenticity of her claim with regard to her caste as well. She was granted ten days time by the selection authorities to produce evidence thereof. Since the petitioner failed to do so, private respondent no.8 came to be appointed as an Aangan Bari Sevika. That decision of selection was assailed before the District Programme Officer who passed an order in favour of the petitioner. The order is contained in Annexure 7 dated 12.7.14. His reasoning was that production of such evidence was only a formality. Therefore, right of the petitioner was wrongly defeated.

Private respondent challenged the said order before the appellate authority in Misc. Appeal No. 114/2013 who set aside the order of the District Programme Officer on 13.12.2013. The reason given by him is that by various provisions in the guide lines production of residential certificate and caste etc. was mandatory in the Aam Sabha for selection to be made. Admitted position is that the petitioner had not produced evidence thereof. There was certain discrepancies and the authorities were more than indulgent by granting her ten days time to complete the formality which should have been done on the date of the Aam Sabha itself. Now the petitioner has a grievance and wants to encash upon per own inability to produce evidence of her residence as well as caste.

The appellate authority has only pointed out the provisions which is required to be followed in the process of selection. Since the selection had not been carried out strictly in terms of the guide lines, the order of the District Programme Officer was bound to be interfered with. That is what has been done.

Counsel for the petitioner harps that she had higher marks which is not in dispute. The dispute is whether she produced evidence of her residence and caste which are relevant factors. Decision of the appellate authority is strictly legal and in conformity with the guide lines.

Writ application is required to be dismissed and is dismissed.

(Ajay Kumar Tripathi, J)

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