

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2755 of 2015

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1. Gargy Kumari W/o Rajiv Ranjan Sharma R/o vill- Sonama, Under Garhpura Block & P.S.- Bakhari Dist- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Begusarai.
3. The District Programme Officer (ICDS), Begusarai.
4. The Block Development officer, Garhpura, Begusarai.
5. The C.D.P.O., Garhpura, Begusarai.
6. The Mukhiya, Gram Panchayati Raj Sonama, Begusarai
7. The Panchayat Secretary, Gram Panchyati Raj Sonama, Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey

For the Respondent/s : Mrs Kumari Amrita, GP 10

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 21-04-2015

Even the Constitution under Article 19 provides for reasonable restrictions and no right is absolute right of a citizen. The State authorities in matters of selection of Aganbari Sevika have laid down certain prohibitions with regard to selection of candidates dependent upon the public post or engagement which their immediate relations are holding. There is an object and purpose behind it.

In the present case, father-in-law of the petitioner is a PDS dealer. Stand has been taken in the writ application that she does not have any social contact with father-in-law for certain reasons including the fact that the marriage was solemnized contrary

to wish as of the father-in-law. That by itself cannot become a ground for reading down the guidelines because all the food grains etc., which is provided by the State for the benefit of malnourished children, have every possibility of being diverted and misused and if that be the reason then the object and purpose for providing certain restrictions on engagement of Sevika. She any way is not a holder of a civil post under the State. If it is so the restrictions cannot fall foul of Article 14 and 16 or 19 of the Constitution of India.

Writ application, therefore, is dismissed, especially when there is a public policy behind such provision.

(Ajay Kumar Tripathi, J)

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