

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19648 of 2014

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1. Alodhan Devi W/O Sri Bindu Kumar Resident of Village-Nimi,P.S-Daniyawar,District-Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Social welfare
3. The District Magistrate, Patna
4. The District Programme Officer, Patna
5. The Deputy Director, Welfare, Patna Division, Patna
6. The Child Development Project Officer, Fatuha
7. The Child Development Project Officer, Patna
8. The Child Development Project Officer, Daniyawar at Patna
9. Senior Deputy Collector Patna City
10. Commissioner Patna Division
11. The Mukhiya, Daniyawar Gram Panchayat at Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Ajay Kumar Thakur
Mr. Imteyaz Ahmad
Mr Ravi Ranjan

For the Respondent/s : Mr. GP17- Binod Ji Verma

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 27-03-2015

Even the appellate authority i.e. Deputy Director, Welfare, Patna Division has not applied himself to the facts and dispute. If the ward where the centre is required to be located is dominated by people from the backward community then where was the occasion for enlisting Shobha Kumari who too along with the petitioner belongs to scheduled caste category.

If despite such a finding having been given by the Deputy Director, application of Shobha Kumari could be considered then the application of the present petitioner is also required to be considered.

However, if the fact that the ward constitutes of people of the backward community, is true, then application of Shobha Kumari is required to be rejected and a fresh exercise is required to be done.

The plea taken against the petitioner for rejecting her claim that she did not indicate the ward number is an innovation to create a ground for rejection of her claim. Obviously it was done for extraneous reason. After having a look at the application of Shobha Kumari, it is evident that the ward number and the place has been written by another pen and another handwriting only to make a distinction between the application of the petitioner and Shobha Kumari.

Annexure- 1, therefore, is quashed. Matter is remanded back to the Deputy Director, Welfare to pass a fresh order keeping the above observation of the Court in mind.

Writ is allowed in above terms.

(Ajay Kumar Tripathi, J)

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