

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12951 of 2008

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Sunaina Kumari @ Sunaina Devi wife of Ashok Singh, resident of village-
Chaklativ, P.O. Panapur Dharampur, P.S. Bidpur, District Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. District Magistrate, Vaishali at Hajipur
3. District Welfare Officer, Vaishali at Hajipur
4. District Programme Officer, Vaishali at Hajipur
5. Child Development Project Officer, Bidupur, District Vaishali

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Natraj Verma, Adv.
 Mr. Naresh Chandra Verma, Adv.
 Mr. Lakshmi Kant Tiwary

For the Respondent/s : Mr. Vijay Kumar Verma, A.C. to SC 6

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 18-07-2016

Heard Mr. Natraj Verma, learned counsel for the petitioner and
Mr. Vijay Kumar Verma, learned A.C. to G.A. 3 for the State.

The petitioner is aggrieved by the order dated 5.4.2008 passed
by the District magistrate, Vaishali bearing Memo No. 168 dated
14.7.2008 whereby the service of the petitioner as Anganbari Sevika
Kendra No.6 has been terminated inter alia on grounds that the
petitioner was disqualified for holding such post. The order is
questioned by Mr. Verma on ground that no notice was issued to the
petitioner to defend herself. He refers to an order passed by the
District Magistrate on 5.2.2008 impugned at Annexure-4 to submit
that notice was only issued to the complainant Anju Kumari, Mukhiya

and the Panchayat Sachiv. It is thus submitted that even when the petitioner's appointment as Anganbari Sevika was put to question yet no notice was issued to the petitioner.

The submissions of Mr. Verma is confirmed from the order passed on 5.2.2008 and thus going strictly by the tenor of the order, the impugned order is not fit to be upheld on grounds of violation of principles of natural justice. The question is whether a remand of the matter on this count is capable of giving any other result than as impugned in the present writ petition where the eligibility of the petitioner to hold the post of Anganbari Sevika which was questioned by the complainant in the light of the stipulation present at paragraph 8.3 of the Departmental guidelines, which inter alia debars a daughter-in-law from securing any such appointment if the father in law was a public servant or PDS Dealer or a kerosene oil vendor. It is not in dispute that the petitioner's father-in-law is a PDS Dealer and although an explanation is sought to be made in paragraph 9 of the writ petition that the husband of the petitioner was separated from his father since 22.9.1994 but then there are no exceptions to the eligibility clause. In fact the stipulation present in paragraph 8.3 sweepingly debars all daughters, daughter-in-law, wife and grand daughter-in-law from any such employment in case their father, husband/father-in-law/grand father-in-law is a public servant or a

licensee under the Public Distribution System or a kerosene oil vendor and there are no exceptions to the stipulations.

In the circumstances discussed where the position that the father-in- law of the petitioner admitted holds licence to run a shop under the Public Distribution System, a remand of the matter on grounds that the order was passed in violation of the principles of natural justice, would only be a completion of a formality because the result is not going to be otherwise.

For the reasons so mentioned, I am not persuaded to interfere with the order impugned and the writ petition is accordingly disposed of.

(Jyoti Saran, J)

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