

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3906 of 2016

Kiran Devi wife of Pramod Kumar Mehta Resident of village - Pathraha, P.S. - Ghunna Bazar, District - Araria.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Social Welfare Government of Bihar, Patna.
2. The Director, I.C.D.S. Department of Social Welfare, Government of Bihar, Patna.
3. The Commissioner, Purnea Division, Purnea.
4. The Collector, Araria.
5. The Deputy Director, I.C.D.S. Purnea.
6. The District Welfare Officer, Purnea.
7. The Sub-Divisional Officer, Forbesganj, District - Araria.
8. The Block Development Officer, Narpaganj, District - Araria.
9. The Child Development Project Officer, Narpaganj, District - Araria.
10. The District Programmer Officer, Araria.
11. Girija Devi wife of Ramesh Kumar Mehta Aanganbari Sevika, Aanganbari Centre, Mehta Tola, Pathraha, resident of village - Pathraha, P.S. - Gunna Bazar, District - Araria.
12. Mukhiya, Gram Panchayat Raj, Pathraha, Anchal - Narpaganj, District - Araria.
13. The Secretary of the Pathraha Gram Panchayat, Anchal - District - Araria.

.... Respondents

Appearance :

For the Petitioner : Mr. Kamal Kishore Mishra, Advocate

For the Respondent State: Mr. S. K. Mandal, S.C.-3

Mrs. Neelam Kumari, AC to SC-3

For the Respondent No.11: Mr. Amrit Abhijat, Advocate

Mr. Manoj Kumar Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 28-11-2016

When two conflicting kinds of evidence emerging from the pleadings of the petitioner as well as the private respondent with regard to the citizenship of the private respondent which the petitioner says is of Nepal and the private respondent bringing evidence otherwise that she is now a citizen of India after due

marriage to an Indian citizen and having acquired citizenship and surrounding documents, the writ Court under Article 226 of the Constitution cannot become a forum for any declaration or adjudication on such issue.

The whole dispute raised by the petitioner basically with regard to the private respondent and engagement as an Angabari Sevika is primarily on the ground of citizenship of the private respondent.

In the above circumstance, till the citizenship of the private respondent is declared to be of Nepal by any competent Court of jurisdiction the presumption in favour of the private respondent being an Indian citizen, in the changed circumstances, will weigh in her favour.

If the petitioner wants to carry her crusade against the private respondent she will have to change the avenue and the forum for the legal battle.

The writ application is dismissed.

(Ajay Kumar Tripathi, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	N/A
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