

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12789 of 2013

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Asha Gupta W/o Deo Naryan Gupta, resident of village - Mahdeva, P.S. Laukahi,
District – Madhubani. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Welfare Department, Govt. of Bihar, Patna
3. The Commissioner Darbhanga Division, Darbhanga
4. The District Magistrate, Madhubani
5. The District Program Officer, Madhubani
6. The Child Development Program Officer, Laukahi Block District Madhubani
7. The Mukhia Gram Panchayat Raj Naraiha, P.S. Laukahi, District Madhubani
8. Ruby Kumari W/o Pramod Kumar Sah, resident of village - Mahdeva, P.S.
Laukahi, District - Madhubani
9. The Secretary, Gram Panchayat Raj Naraiha, P.S. Laukahi, Distt. Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad
For the Respondent/s : Mr. A.K. Bhagat, AC to AAG-XII

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 25-11-2016

Heard learned counsel for the petitioner and learned
counsel for the State. No one appears on behalf of the private
respondent.

In this case, the petitioner is challenging the appointment
of Respondent no. 8, Rubi Kumari, who has been appointed on the
post of Anganwari Sevika for Centre No. 11 of Gram Panchayat
Narahia North, Block-Laukahi, District-Madhubani.

In the year 2004, the process of selection was started for
appointment of Anganwari Sevika at Centre No. 11 of Gram
Panchayat Narahia North, Block-Laukahi, District-Madhubani and the



petitioner and Respondent no. 8 participated there. Respondent no. 8 was selected, which was challenged by the petitioner before the authority concerned, but they have not taken cognizance of the same. The ground of challenge of her appointment made out by the petitioner that as the father-in-law of Respondent no.8 is a Government servant, in view of exclusion clause provided in the Scheme of Anganwari Sevika, Respondent no.8 could not have been appointed and in her place, she should have been appointed. The counsel for the petitioner further submits that after selection of Respondent no.8, the petitioner filed applications before the authorities, such as, Sub-Divisional Officer, Phulparas, District Welfare Officer, Madhubani, Commissioner Darbhanga Division, Darbhanga, District Magistrate, Madhubani on different dates, ultimately she also filed an application before the Janta Darbar, but none of the applications has been given any result inasmuch as positive result and in the counter affidavit, the State has not whispered any word about the disposal of her application. He further submits, at least, application of the petitioner, which is pending consideration, should be looked into by the authority concerned and the order should be passed on her application by the authority in accordance with law.

The State has filed the counter affidavit where it has been stated that the exclusion clause of the Scheme does not apply in

the present case as the husband of Respondent no.8 has been separated from his father much earlier and they do not constitute a joint family and on that account, Respondent no. 8 has been selected.

The counsel for the petitioner submits that in the Scheme, there is no such provision, if the father-in-law has been separated, the exclusion clause does not apply. The Scheme, which excludes certain person for consideration, cannot be said does not apply in her selection.

It appears that the petitioner has filed application before the competent authority, but without any result now, situation before the petitioner, what to do, compelled her to approach this Court.

In such view of the matter, let the District Magistrate, Madhubani consider the case of the petitioner and pass an order after giving notice to the other side. The matter should be disposed of within a period of four months from the date of receipt/production of a copy of this order.

Accordingly, this petition is disposed of.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29/11/2016
Transmission Date	