

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1975 of 2014

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1. Sumitra Devi @ Sumitra Kumari Wife Of Byas Paswan Resident Of Village-
Dumdumawa, P.S. Sathi, District- West Champaran

.... Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Social Welfare Department,
Government of Bihar, Patna
2. The Secretary, Social Welfare Department, Government of Bihar, Patna
3. The Director, I.C.D.S. Directorate, Bihar, Patna
4. The Collector, West Champaran, Bettiah
5. The Child Development Project Officer, Lauriya, West Champaran
6. The Gram Panchayat Raj, Sathi Through The Mukhiya, Gram Panchayat Raj
Sathi, Block Lauriya, District- West Champaran
7. The Mukhiya, Gram Panchayat Raj, Sathi, Block Lauriya, District- West
Champaran
8. Asha Devi Wife Of Krishna Kumar Kushwaha Resident Of Village-
Deumdumawa, P.S. Sathi, District- West Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava
For the Respondent/s : Mr. R.K.Priyadarshi, SC 32
Mr Aditya Nath Jha
Mr Ranjit Kumar No.1

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 06-04-2016

The principle of judicial review with regard to any decision of quasi judicial authority has to be limited to the illegality emerging from the decision itself. In the garb of such orders, the petitioner cannot be permitted to argue a matter de novo on issues, which were not even urged or pressed into service before the competent authority. In fact, the Court would be doing injustice to such authorities by entertaining such submissions and declaring an order to be bad when that authority was not even given an opportunity

to consider such submission in the very first place, if at all it was a submission worthy of consideration.

In the present case petitioner has been assailing selection of the private respondent and her engagement as an Aanganbari Sevika. The primary reason or objection against such selection of Asha Devi was that she happens to be a relative of Mukhiya in question. This aspect has been entertained, gone into and taking into consideration the circular existing at the time of selection as well as the subsequent circular, which deals with such debarment, the District Magistrate as well as the appellate authority, the Divisional Commissioner has come to a considered opinion that the circular in existence in the year 2004 did not create any embargo on such selection or even otherwise the subsequent circular is not relatable. If this be so, the challenge made by the petitioner against the two decisions does not require any interference as they do not suffer from any infirmity in law.

Writ is dismissed.

(Ajay Kumar Tripathi, J)

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