

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19649 of 2015

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Shobha Kumari, Wife of Sri. Laxman Yadav, Resident of Village - Gangti
Bishanpur Ward No. 5, P.S. & Anchal - Khara, District - Jamui.

.... Petitioner

Versus

1. The State of Bihar through the Deputy Director (Welfare), Munger
Division, Munger,.
2. District Magistrate, Jamui.
3. The District Program Officer, I.C.D.S., Jamui.
4. The Child Develop Program Officer, Khaira, District - Jamui.
5. Smt. Munita Kumari @ Munita Devi, Wife of Sri Rajeev Yadav,
Resident of Village - Gangti Bishanpur Ward No. 6, P.S. & Anchal -
Khaira, District - Jamui.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sourendra Pandey, Advocate

For the State : Mr. R.N.Dubey, AAG 12

Mr. Sanjay Kumar Singh, AC to AAG 12

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 05-01-2016 Heard learned counsel for the petitioner and
learned counsel for the respondent State of Bihar.

The petitioner has questioned the legality of the
order, dated 19.06.2014, passed by the District Programme
Officer, Jamui, in Case No. 37/2013-14 and the order, dated
07.08.2015, passed by the Deputy Director (Welfare),
Munger Division, Munger, in Case No. 70/2014, whereby they

have directed appointment of respondent No. 5, Smt. Munita Kumar @ Munita Devi, as Anganwari Sevika of Centre No. 63 Chuan, Ward No.5, within Khaira Block, District –Jamui.

The sole ground which has been taken to challenge the said orders is that the respondent No. 5 is not a resident of Ward No. 5, rather she is a resident of Ward No. 6.

The District Programme Officer, Jamui, and the Deputy Director (Welfare), Munger Division, Munger, have in their impugned orders come to the specific finding that respondent No. 5 is a permanent resident of Ward No. 5.

Learned counsel appearing on behalf of the petitioner while disputing the finding of fact has drawn my attention to the Voters' List and a certificate issued by the Mukhiya of Gram Panchayat Raj Chuan, in order to contend that respondent No. 5 is a resident of Ward No. 6 and not Ward No. 5 and, therefore, she had no basic eligibility to be considered for appointment as Anganwari Sevika of the concerned Centre No. 63.

In my opinion, this is a disputed question of fact as to whether respondent No. 5 is a resident of Ward No. 5 or Ward No. 6, which cannot be adjudicated upon in a proceeding under Article 226 of the Constitution of India. The findings arrived at by the authorities cannot be said to be

without any basis. Learned counsel appearing on behalf of the petitioner, however, has submitted that the authorities have ignored the evidence produced by the petitioner before them. From the impugned orders, I find that the authorities have referred to the documents produced by respondent No. 5 in support of the claim that she is a resident of Ward No. 5.

There being the disputed question of fact, I do not intend to interfere in the matter in a writ proceeding. It will however be open to the petitioner to approach Civil Court of competent jurisdiction for the purpose of adjudication as to whether respondent No. 5 is a resident of Ward No. 5 or Ward No. 6.

This writ application stands disposed of with the observations as above.

(Chakradhari Sharan Singh, J)

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