

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23075 of 2013

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Kumari Kiran Yadav Wife of Sri Bharat Kumar, resident of village - Bhalua, Police Station- Bodh Gaya, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar, Patna
2. The Principal Secretary, Department of Social Welfare, Government of Bihar, Patna
3. The Commissioner, Magadh Division, Gaya at Gaya
4. The Collector-cum-District Magistrate, Gaya
5. The Deputy Development Commissioner, Gaya at Gaya
6. The District Programme Officer, Gaya at Gaya
7. Tanya Kumari Wife of Yogendra Prasad Singh Resident of flat No. 98, Housing Board Colony, Ashok Nagar, Police Station- Mufassil, District- Gaya
8. Aradhana Raj Wife of Chandra Kumari, Resident of Marshali Yard, Delha, Police Station- Mufassil, District- Gaya
9. Baby Kumari Wife of Shambhu Prasad Singh, resident of village - Khudai Hemara, Police Station- Khijarsarai, District- Gaya
10. Sangeeta Kumari Wife of Parshuram, Resident of Bari Road, Kathorkar Talab, Police Station- Gaya, District- Gaya
11. Nisitosh Kumari Wife of Paritosh Kumar, resident of Kujapi, Police Station- Chandauti, District- Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Kumar

For the Respondent/s : Mr. Madhuresh Prasad

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 19-02-2016

Heard learned counsel for the petitioner, the State and the Intervenor.

In the present case, the petitioner is seeking the relief of mandamus commanding the respondent nos. 4, 5 and 6 to appoint the petitioner as Supervisor in the Integrated Child Development Scheme in the district of Gaya.



The short fact of this case is that an advertisement was published for appointment of Supervisor in the Integrated Child Development Scheme. In pursuance thereof, the petitioner applied for the post of Supervisor through on-line on 23rd July 2010 as well as Hard copy was also submitted to the authority concerned. Large number of applications were received by the authority concerned. Sub categories are in backward category, i.e. backward category, EBC category and backward category for women.

The petitioner in the on-line application, opted for backward category but claim was made by her that she had not opted for backward category, later on, Hard copy of application was also filed by her.

As per the claim of the petitioner, she opted for backward women category, not the backward category. Although she was treated to be backward category, not the backward women category as has been stated by the State, on the objection raised by the petitioner, she was allowed to opt backward category women, not the backward category.

The authority issued the further revised selection list where the petitioner has been shown to be belonging to backward women category there the petitioner could not be selected. Certain persons having better marks, have been accommodated as Supervisor,

Integrated Child Development Scheme.

The counsel for the petitioner submits that as there is an interpolation in showing category, although the petitioner was treated as a candidate of backward category. On the last event, she was treated as a backward category women and had wrongly been deprived to be appointed under the quota of category backward.

The State has annexed Memo no. 221 dated 4/2/2015 where reason has been assigned for her non-selection and it has been mentioned that the petitioner had applied for backward women category, shown to be code no. 06, but although due to clerical mistake, she was shown in code no. 05, later on when this clerical mistake was identified, necessary correction was done and she was brought in code no. 06 i.e. backward category women.

The counsel for the petitioner has put emphasis that the document which is at page 27 of the counter affidavit, itself shows that the petitioner had applied for the backward category, but some interpolation has been made. The counsel for the petitioner could not explain that application is of a subsequent date, of course, it appears to be some manipulation, but in the application dated 21.07.2010 the code has been shown 06 in her application form and from the naked eyes it does not appear that any interpolation has been made.

In such view of the matter, this Court cannot give any

relief on two grounds, first is that already a decision has been taken by the authority concerned which is not under challenge before this Court and so much so that the record itself shows that at application dated 21.07.2010 she has opted for code no. 06, not code no. 05.

In such view of the matter, this Court does not find any merit in the present case. Accordingly, this petition is dismissed.

(Shivaji Pandey, J)

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