

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9738 of 2011

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Savita Kumari W/O Yogesh Chaudhary R/O Village-Maihariya, Ward No.-
2 of the Bir Chhapara Panchayat, Block+P.S.- Piprakothi, Distt.- East
Champanan

.... Petitioner

Versus

1. The State of Bihar
2. The Collector of East Champanan
3. District Programme Officer, East Champanan at Motihari
4. Block Development Officer at Piparakothi, East Champanan
5. The C.D.P.O.- Piparakothi Under District- East Champanan

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Adv.

For the Respondent/s : Mr. Dr. Anshuman, SC-14

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

7 21-01-2016 Heard learned counsel for the petitioner and Sri (Dr.)
Anshuman, learned SC-14.

The petitioner, claiming to be resident of village-
Maihariya, Ward no.2 of Bir Chhapara Panchayat, Block and P.S.
Piprakothi in the district -East Champanan, has approached this
Court, invoking its writ jurisdiction, with a prayer to direct the
Respondents to consider her candidature in respect of Anganbari
Sevika of Panchayat-Bir Chhapara under Ward no.2 and also
examine as to why her name was transferred from Ward no.2 to
Ward No.1. A plea has been taken that an advertisement was made
regarding fulfilling the post of Sevika and Sahayika in different
Wards. The petitioner at the relevant time, on the basis of

residential certificate applied for the post. However, the Child Development Project Officer subsequently concluded that the petitioner was resident of Ward no.1.

According to learned counsel for the petitioner, till date the post in Ward no.2, as per advertisement, has not been filled up.

In this case, a counter affidavit has been filed on behalf of Respondent nos. 3 and 5 and in paragraph-7, a specific stand has been taken that on receipt of a complaint, the matter was examined regarding the claim of the petitioner in respect of her residence at Ward no.2. The matter was inquired and it was found that her name was lying in the voter list of Ward no.1, which was published continuously since 2009, 2010 and 2011.

Of course, the stand of the Respondent/ State has been disputed by learned counsel for the petitioner, the Court is of the Opinion that such dispute may not be resolved by this Court while exercising its writ jurisdiction. If so advised, the petitioner may file a detailed representation before the Respondent no.2/Collector, East Champaran regarding her claim of resident of Ward no.2. If such representation is filed within a period of eight weeks from today, the Respondent no.2 /the Collector, East Champaran may examine the matter in detail and decide the issue as to whether the petitioner belongs to Ward no. 1 or Ward No.2/

Bir Chhapara Panchayat, Block+P.S.- Piprakothi, East Champaran. Such decision may be taken within a period of three months from the date of filing of such representation.

With above observation and direction, the writ petition stands disposed of.

(Rakesh Kumar, J)

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