

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16446 of 2013

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1. Perna Ranjan Wife Of Ranjan Kumar Resident Of Ganaura, Badharpur, P.O. Shahjadpur, P.S. Nath Nagar, District Bhagalpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Bhagalpur Commissionerary Bhagalpur
3. The District Magistrate, Bhagalpur
4. The District Programme Officer (Establishment), Bhagalpur
5. The B.D.O., Nathnagar, Bhagalpur
6. The C.D.P.O., Nathnagar, Bhagalpur
7. Bhagwati Devi Wife Of Ravi Kumar Resident Of Village- Ganaura Badarpur, Police Station- Nathnagar, District- Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate.
For the State : Mr. Neeraj Raj, AC to SC 19
For the Respondent No.7 : Mr. Sunil Kumar Singh,
Mr. Ashutosh Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 19-04-2016

Heard the parties..

In the present writ petition, petitioner is challenging the order dated 30.5.2013 in Anganbari Appeal Case No.106 of 2012-13 passed by the Commissioner, Bhagalpur by which he has upheld the order of the District Magistrate, Bhagalpur dated 28.12.2012 in Misc. Case No.3 of 2011-12 cancelling of appointment of respondent no.7 as Anganbari Sevika.

In the writ petition it has been alleged that before two authorities such as District Magistrate and Commissioner plea

was taken that petitioner has a better marks having 64.71% whereas Bhagwati Devi, respondent no.7 having 62.28% marks has been selected. She was at sl.no.1 where as respondent no.7 was at sl.no.3. She has been deprived of the selection on the ground that her father-in-law is Government servant, as per the executive instruction family members of the Government servant cannot be appointed as Anganbari sevika.

The District Magistrate after hearing both sides found the appointment of respondent no.7 to be illegal as held that persons having higher marks have been left out.

The District Magistrate has directed that there should a fresh selection in terms of executive instruction. The matter went to the Commissioner who has gone through the record of the case and found the selection of Bhagwati Devi is not in accordance with law and affirmed the order of the District Magistrate.

This Court does not find any error in the impugned orders. Accordingly this writ petition is dismissed.

Vinay/-

(Shivaji Pandey, J)

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