

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14126 of 2010

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1. Laxman Dev Singh S/O Sri Bhagdeo Singh R/O Vill.- Samartha, P.S. Bibhutipur, Distt.- Samastipur & the incumbent Mukhiya, Vill.- Panchayat Raj, Kalyanpur, South-Cum-Adhyaksha/Chairperson, Prakhand Mukhiya Sangh, Bibhutipur, Distt.- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar, Patna
2. The Chief Secretary, Government of Bihar, Patna
3. The Department of Social Welfare, Bihar, Patna through the Secretary Department of Social Welfare, Bihar, Patna
4. The Secretary, Department of Social Welfare, Bihar, Patna
5. The Deputy Secretary, Department of Social Welfare, Bihar, Patna
6. Director, Integrated Child Development Project Scheme, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.Kr. Thakur, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 08-04-2016

None appears on behalf of the petitioner nor there is any representation on behalf of the State.

Perused the records.

This writ petition has been filed praying to declare the provision of paragraph 3 of memo No. Sa.Ka.Vividh-6060/10/2583/S.K.Patna dated 14.6.2010 issued under the signature of the Deputy Secretary, Department of Social Welfare, Government of Bihar, Patna which provides for constitution of Selection Committee consisting of the Ward Councillor of the concerned Ward as its

Chairman and the Child Development Project Officer as well as the nominee of the District Magistrate belonging to the Weaker Sections as its members, as ultra vires Article 14 and 243 and Schedule 11 of the Constitution of India.

The petitioner happens to be the sitting Mukhiya, Gram Panchayat Raj Kalyanpur in the district of Samastipur. A cursory glance to the issues raised in the writ petition would manifestly reflect that the petitioner is more concerned about his own interest than to the violations of the constitutional guarantee. In fact he is deeply hurt by the wresting away of the authority since whereas under the guidelines issued earlier in the year 2006 by the Welfare Department sought to be amended by the guidelines in question issued in 2010, the Selection Committee was to be presided by the Mukhiya and the Up-Mukhiya but under the new guidelines the Selection Committee is to be presided by the Ward Councillor who is equally an elected representative as the Mukhiya. According to the petitioner, the selection of the Anganbari Sevika and Sahaika made by the Mukhiya and Up-Mukhiya duly approved in the Aam Sabha was a much better scheme of selection than as provided under the guidelines 2010.

As I have observed earlier, the grievance of the petitioner is resting more on personal loss than on violation of constitutional guarantee inasmuch as the authority now stands transferred from the

Mukhiya to the Ward representative. The writ petition is apparently motivated and does not raise issue worthy of indulgence. It is dismissed accordingly.

(Jyoti Saran, J)

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