

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.30 of 2017

Arising out of

Civil Writ Jurisdiction Case No. 7839 of 2010

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Anuradha Kumari, Wife of Naresh Chandra Jha, resident of village - Kushi, P.S.
Kanti, District - Muzaffarpur

.... Appellant/s

Versus

1. The State of Bihar
2. The Secretary, Social Welfare Department (ICDS), Bihar, Patna
3. The Director, Directorate of ICDS, Bihar, Patna
4. The Commissioner, Tirhut Division, Muzaffarpur
5. The District Magistrate, Muzaffarpur
6. The District Programme Officer, Muzaffarpur
7. The Child Development Project Officer, Kanti, Muzaffarpur
8. Bibha Rani, Wife of Kaushal Srivastava, resident of village - Kanti Kushi
(Station Tola), P.S. Kanti, District - Muzaffarpur

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Ashish Giri, Advocate

For the State : Mr. K.K. Jha, AAG-8
Mr. Anish Kumar, Advocate

For Respondent No.8 : Mr. S.B.K. Mangalam, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT



(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 16-05-2017

Seeking exception to an order dated 13.12.2016 passed by the learned Writ Court in C.W.J.C. No. 7839 of 2010 in the matter of appointment of Anganwari Sevika to the centre in question, this appeal has been filed under Clause 10 of the Letters Patent.

2. Even though Sri Giri by referring to a judgment rendered by a Bench of this Court in the case of **Sunita Kumari Vs. The State of Bihar & Ors- 2010 (3) PLJR 68** and certain observations made in **C.W.J.C. No. 2120 of 2014 (Vimal Kumari Vs. The State of Bihar & Ors.)**, decided on 07.09.2016 tried to argue that the disqualification contemplated under Section 3(Nga) of the guidelines will not apply in the case of the appellant as she is married and because of her father being a Government servant, the disqualification would not be attracted in her case, we find that the learned Writ Court has gone through the rule in question and found that the Gram Sabha and the Collector have interpreted the rule properly and the Commissioner while interfering with the same by interpreting the rule in a manner which is not permissible under law and applying the strict interpretation to the rule, the disqualification has been upheld. In doing so, we are of the considered view that the learned Writ Court has not committed any error warranting



reconsideration.

3. The Letters Patent Appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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