

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1665 of 2016

Arising out of

Civil Writ Jurisdiction Case No. 2126 of 2014

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Smt. Rita Devi W/o Shri Vyas Nath Jha, resident of Village- Jamua, P.S.-
Tarabadi, District- Araria.

.... Appellant/s

Versus

1. The State of Bihar through the Secretary, Department of Social Welfare,
Government of Bihar, Patna.
2. The Divisional Commissioner, Purnea.
3. The District Magistrate, Araria.
4. The Sub-Divisional Officer, Araria.
5. The District Programme Officer, Araria.
6. The Child Development Project Officer, Araria.
7. The Block Development Officer, Araria, District - Araria.
8. Smt. Vibha Jha, W/o Shri Udeswar Jha, resident of Village- Jamua, P.S.-
Tarabadi, District- Araria.

.... Respondent/s

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Appearance :

For the Appellant/s :

For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 10-07-2017



The concurrent orders passed by the Collector and the Commissioner in the matter of appointment of Anganwari Karyakarta has been interfered with by the learned Writ Court and for the same, the following reasons have been indicated:-

“Although energetic arguments have been advanced by counsel for the State and Mr. Mrigendra Kumar learned counsel for private respondent but considering that the veracity of the documents brought on record vide Annexure-18 series and 19 series has not been put to any serious contest rather it is fairly accepted that these documents continue to hold the field, meaning thereby, the residential certificate issued by the Block Development Officer has not been set aside by the Superior authority, a mere reflection of the name of the petitioner’s husband in the voter list of a municipality even if accepted for the sake of argument, would not ipso facto be a ground to unsuit the petitioner.

In the circumstances discussed where the residence of the petitioner in the village where the centre is located, is not under dispute, obviously, the contest has to be decided on the basis of marks secured and since the petitioner has obtained better marks than respondent No. 8, hence here appointment was just.

For the reasons aforementioned, the orders impugned passed by the Collector, Araria as affirmed by the Commissioner impugned at Annexures-1 and 2 respectively cannot be upheld and are accordingly set aside. The petitioner is restored to her post of Anganbari



Sevika.

The writ petition is allowed.”

Aforesaid reasons have been recorded by the learned
Writ Court after due appreciation of the materials came on record.
We see no error in the same warranting reconsideration.

The Letters Patent Appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
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