

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2015 of 2015
IN
Civil Writ Jurisdiction Case No. 11739 of 2015**

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Sanju Kumari @ Sanju Devi D/o Shri Naresh Sharma, W/o Shri Subodh Pd. Sharma
R/village Badhai Tola, Habibpur, PO & PS - Habibpur, District Bhagalpur.

.... Appellant/s

Versus

1. The State of Bihar through Principal Secretary, Social Welfare Dept. Govt. Bihar, Patna.
2. The Principal Secretary, Social Welfare Department, Govt. Bihar, Patna
3. The Director, Social Welfare Department, Govt. Bihar, Patna.
4. The Deputy Director, Welfare Bhagalpur Division, Bhagalpur, District Bhagalpur.
5. The District Magistrate, Bhagalpur, District - Bhagalpur.
6. The District Programme Officer, Bhagalpur, District - Bhagalpur.
7. The Child Development Project Officer, Jagdishpur, Bhagalpur, District Bhagalpur.
8. Nutan Sharma W/o Shri Saryug Sharma R/o Village + PO + PS - Habibpur, District - Bhagalpur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sharda Nand Mishra
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 31-01-2017

Heard learned counsel for the appellant.

Delay of 25 days is condoned for the reason
indicated in I. A. No. 8930 of 2015.

Interlocutory Application is allowed.

The order of the Learned Single Judge, who



has dismissed the writ application of the appellant, is under challenge in this appeal. The issue is with regard to selection and engagement as an Anganwari Sevika of the present appellant, which was seriously challenged by the private-respondent no. 8, of this appeal, before different authorities. The issue was the merit, based on the marks, which the present appellant had obtained viz-a-viz the marks, which had been obtained by the private-respondent with an additional weightage of 7 points, since she was an Intermediate.

From reading of the order of the Learned Single Judge, it is evident that the Panchayat has juggled around with the total marks of the appellant viz-a-viz the private-respondent.

The private-respondent always had more marks, both in terms of total as well as percentage than the present appellant. It is this infirmity, which has been found at every level, especially at the level of the appellate authority, who had made the detailed calculation of the break up.

The Learned Single Judge, therefore, has rightly come to a conclusion that the selection or the appointment of the present appellant was manipulated by miscalculation by the Panchayat, obviously, for extraneous



reasons.

No interference is warranted to the order of the Learned Single Judge.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
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