

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9214 of 2008

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Smt. Nargis Tasnim wife of Md. Sallahudin, resident of Ward No.19 Magardahi,
Gola Road within Samastipur Nagar Parishad, Police Station- Samastipur,
District- Samastipur.

.... Petitioner

Versus

1. The State of Bihar through the Secretary Human Resources, Govt. of Bihar, Patna.
2. The Commissioner-cum-Secretary Social Welfare Department, Government of Bihar, Patna.
3. The Secretary-cum-Director Integrated Child Development Scheme Ministry of Human Resource Development, Government of Bihar, Patna.
4. The District Magistrate, Samastipur.
5. The Child Development Project Officer, Jitawarpur Block Samastipur.
6. Jaishree Gupta Councillor Ward No. 19, Samastipur Nagar Parishad, Samastipur District- Samastipur, the then Chairman Anganwari Sevika, Selection Committee, Samastipur, Nagar Parishad.
7. Nushrat Zaha, wife of Salauddin, resident of Mohalla- Magardahi, Ward No. 19, Post + District- Samastipur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Choudhary Shyam Nandan
Mr. Alok Kumar, Advocates.
For the Respondents : Mr. Satya Prakash Tripathy, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 16-10-2017

As prayed, learned counsel for the petitioner is permitted to make correction in para-1 of the writ petition by correcting the date of the General *Aam Sabha* Meeting stated as "18.05.2008" in place of the correct date "25.06.2007" in course of the day.

2. The present writ petition has been filed for quashing the order of termination/cancellation of selection of the petitioner on



the post of Anganbari Sevika within Ward No. 19, Samastipur Nagar Parishad on the ground that the petitioner's father being a Government servant.

3. Learned counsel for the petitioner raises a short submission to assail the impugned order of termination, to the effect that the father of the petitioner who had been working as Assistant Teacher in Kendua Biss Pry Free School, Kendua Bazar, P.O. Kulti, District Burdwan (West Bengal) had already retired prior to the date when the petitioner was selected as Anganbari Sevika in the meeting of the General *Aam Sabha* dated 25.06.2007. It is therefore submitted that on the date of her selection, the petitioner's father was not in Government service. Moreover, it is submitted that the school in question was not a Government school and the petitioner had duly filed an affidavit dated 04.10.2007 in compliance to notice that none of her family members including the petitioner was in Government service.

4. A counter affidavit has been filed on behalf of the respondent nos. 4 and 5 but, however, the stand of the petitioner has not been controverted. Letter no. 523 dated 05.04.2010 (Annexure-B to the counter affidavit) has been enclosed which discloses that the petitioner was not posted as Anganbari Sevika only by reason of disqualification that the daughter of a Government servant could not be so appointed. It is further stated that Nushrat Zaha (respondent no.



8) was already working on the post in question.

5. Despite valid service of notice to respondent no. 8 pursuant to order dated 09.02.2017, appearance has not been entered on her behalf nor is she represented when the mater is called today.

6. Having regard to the stand of the petitioner that her father was not in Government service and that he had already retired prior to the selection of the petitioner which has not been controverted by the respondents, this Court finds merit in the writ petition. The respondent authorities are accordingly directed to pass orders giving effect to the decision of the *Aam Sabha* in its meeting dated 25.06.2007 so far as concerns the petitioner.

(Vikash Jain, J)

Md. Ibrarul/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	17.10.2017
Transmission Date	N.A.

