

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.24841 of 2013

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1. Kunti Devi Wife Of Kanhai Paswan Resident Of Village- Amritpur, P.S. Vaishali, District- Vaishali
 2. Maheshwari Devi Wife Of Harish Chandra Paswan Resident Of Village- Amritpur, P.S. Vaishali, District- Vaishali

.... Petitioner/s

Versus

1. The State Of Bihar Through District Magistrate, District Vaishali
2. The Civil Surgeon-Cum-Member Secretary, District Health Society, District- Vaishali
3. The Incharge Medical Officer, Primary Health Centre, Vaishali, District- Vaishali At Hajipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kamala Prasad Roy, Adv.
Mr. Satya Ranjan Sinha, Adv.
Ms. Seema Kumari, Adv.

For the Respondent/s : Mr. Jay Prakash, AC to SC22

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 28-11-2017

Heard learned counsel for the petitioners and counsel for the State.

In this case, the petitioners are challenging the Memo No. D.H.S./1140/13 dated 11.11.2013 (Annexure-3) passed by the Civil Surgeon cum Secretary, District Health Society, Vaishali, whereby and whereunder, the services of the petitioner has been terminated and appointment of the petitioners and others have been declared illegal and invalid on the ground that the petitioners do not belong to the members of Ravidas Community rather the petitioners belong to another category of scheduled caste that is Paswan.

An advertisement was published for the post of Mamta



from the Ravidas Community. The Selection Committee had decided that if sufficient numbers of member of the Ravidas Community are not available, in such circumstances, the women from the other scheduled castes community may be appointed as Mamta Worker. In that background, the petitioners, who are members of the Paswan Community, have been appointed and, later on, the Civil Surgeon has found that the selection of these petitioners are illegal as the petitioners are member of Paswan Community and the scheme for the Mamta Worker provides that only female of Ravidas Community will be entitled for the appointment of Mamta Worker.

Learned counsel for the petitioners submits that the action of the Civil Surgeon in terminating the services of the petitioners is completely illegal on the ground that a decision was taken by the Nine Members Committee that in absence of the candidate from the Ravidas Community, any female of another community of scheduled castes would be appointed. So the appointment of the petitioners cannot be said to be illegal.

The post of Mamta Worker is not a civil post but, has been engaged only to serve the society. When the scheme has provided that only female member of the Ravidas Community can be appointed on the post of Mamta Worker, unless the scheme gives certain power to the Committee to waive the clause of appointing from another community



bereft of such power to take decision and give appointment on the post of Mamta. Admittedly, the petitioners are not from the Ravidas Community and they could not have been appointed on the post of Mamta Worker.

In that view of the matter, this Court does not find any merit in the present writ application and the same is dismissed.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.11.2017
Transmission Date	NA

