IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1073 of 2015

IN

Civil Writ Jurisdiction Case No. 6258 of 2011

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Jhumu Kumari wife of Manik Das Resident of village- Sanichari Colony, P.S. Sanichari (Old Yogapatti), P.O. Parsa Farm, District- West Champaran

.... Appellant/s

Versus

1. The State of Bihar
2. Commissioner, Tirhut Division, Muzaffarpur
3. District Magistrate, West Champaran, Bettiah
4. District Programme Officer, West Champaran, Bettiah
5. Child Development Project Officer, Yogapatti, West Champaran, Bettiah
6. Mukhiya, Gram Panchayat Raj Bahuarwa, Block- Yogapatti, P.S. Yogapatti, District- West Champaran
7. Panchayat Secretary, Gram Panchayat Raj Bahuarwa, Block- Yogapatti, P.S. Yogapatti, District- West Champaran
8. Amrita Das wife of Sri Nandlal Das Resident of village- Sanichari Colony, P.S. Sanichari (Old Yogapatti), P.O. Parsa Farm, District- West Champaran

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Lakshmi Kant Tiwari
For the Respondent/s	:	Mr. M. N. H. Khan, SC-1
		Babita Kumari, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 03-08-2017

Heard learned counsel for the petitioner. Perused the order, dated 11.11.2013. Respondent No.'s 8 appointment / engagement as Anganwari Sevika was challenged by the appellant primarily on two grounds that she was not the daughter-in-law of the ward of the village and secondly that the elder brother of husband of Respondent No. 8 was a Panchayat Teacher, therefore, she was barred from holding the responsibility of Anganwari Sevika. These two submissions found favour of the Collector, West Champaran

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and the engagement was set aside. On a appeal filed before the learned Commissioner, Tirhut Division, Muzaffarpur, he recorded a finding that the marriage had already been solemnized prior to the cut-off date, which is 12.10.2009 and in terms of the guidelines, dated 31.07.2007, the engagement of elder brother of the husband does not come under the prohibited category, which could stand in the way of the private-respondent from being considered and engaged as an Anganwari Sevika.

Both the grounds are valid grounds, because if the prohibited categories of relatives have been specifically specified in the guidelines, then it is not for the authorities to extend the ambit thereof by giving any kind of interpretation or consideration. Debarments have serious consequences, therefore, such provisions have to be read and understood very very strictly.

The order of the Divisional Commissioner does not suffer from any vice nor does the order of the Learned Single Judge who has upheld the said order.

The appeal has no merit, it is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

SKM/-

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