

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8398 of 2007

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Lalti Kumari @ Lalti Devi wife of Rondi Paswan, resident of village Kushwan,
P.O. – Bir, P.S. – Dhanarua, District – Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner – cum- Secretary, Welfare Department, Bihar, Patna
3. The Director, Social Welfare, Bihar, Patna
4. The Commissioner, Patna Division, Patna
5. The Deputy Director, Welfare, Patna Division, Patna
6. The District Magistrate, Patna
7. The Deputy Development Commissioner, Patna
8. The Child Development Project Officer, Dhanarua Block, District Patna
9. The District Welfare Officer, Patna
10. The S.D.O. Masaurdhi, District Patna
11. Smt. Kiran Devi, wife of Shri Jitendra Ram, Mukhiya Kushwan Gram Panchayat at Kushwan P.O. Bir, P.S. Dhanarua, District Patna
12. Indu Kumari wife Shri Tarik Paswan, Resident of village – Kushwan, P.O. Bir, P.S. Dhanarua District Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Smt. Punita Kumari Singh

For the Respondent/s : AC to GP -24

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 13-01-2017

Heard Smt. Punita Kumari Singh, learned counsel for the
petitioner and learned AC to GP No. 24.

The petitioner, has approached this Court invoking its writ



jurisdiction with a prayer to command the respondents to select the petitioner as 'Anganbari Sahaika' after cancelling the selection of respondent no. 12 as 'Anganbari Sahaika'. It has been claimed that the respondent no.12 was illegally selected as 'Anganbari Sahaika'.

Learned counsel for the petitioner by way of referring to Annexure – 'B' Series particularly page no. 35 of the counter affidavit tried to persuade the Court that at the time of selection the respondent no. 12 had produced a forged document in respect of her transfer certificate. She had drawn my attention to column no. 4 and column no. 6 of the transfer certificate at page no. 35 and tried to highlight that column no. 4 describes about date of entry i.e. 5.11.1984 and as per column no. 6 which says about the date of birth it also indicates the same date i.e. 5.11.1984. According to learned counsel for the petitioner on the basis of forged document the respondent no. 12 was selected as 'Anganbari Sahayika' ignoring the case of the petitioner.

Learned State Counsel opposing the prayer of the writ petitioner has raised preliminary objection on the point of maintainability of the writ petition. He by way of referring to Annexure –'A' to the counter affidavit submits that selection of 'Anganbari Sahiyaka' was done as per the Guideline issued by the State Government in the year 2006. He submits that as per the Guidelines selection process was to be done in accordance with law.



Applications were invited. The petitioner at the time of filing application had not brought on record any relevant document. He has also referred to Annexure –‘B’ to the present petition i.e. photo copy of the application form which was submitted by the petitioner and has drawn my attention to paragraph no. 20 and 21 of the application which shows that in respect of educational qualification and income nothing was indicted. It was emphasized that petitioner without supportive documents had filed the application. It has also been argued that though before this Court petitioner had tried to persuade the Court that petitioner along with her application had submitted relevant certificates including residential certificate but fact remains that residential certificate i.e. Annexure – 1/1 to the petition itself shows that it was issued on 12.3.2007 whereas selection was already completed much prior to issuance of the residential certificate. Moreover, it has been argued that under the scheme there was specific provision that aggrieved with the selection process one was required to file application before the Collector and in that event the matter was got to be thoroughly enquired and Collector was required to pass a reasoned order. Even after the order of the Collector there was remedy available for filing Appeal. However, in this case without availing any remedy petitioner has directly approached this Court .



Besides hearing learned counsel for the parties and after going through the materials available on record, the court is of the opinion that no favourable order can be passed.

The petition stands dismissed.

Praful/-

(Rakesh Kumar, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18-01-2017
Transmission Date	NA

