

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.840 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 3790 of 2015**

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Rubi Kumari, W/o Sri Sunil Kumar, resident of village- Gurhru, Ward No. 5, P.S.-
Guraru, District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar
2. The Dy. Director Welfare, Magadh Division, Gaya.
3. The Collector, Gaya.
4. The District Programme Officer, Gaya.
5. The Child Development Project Officer, Guraru Block, District- Gaya.
6. Usha Kumari, W/o Sri Rajesh Kumar, resident of village- Gurhru, P.O.- Guraru,
P.S.- Guraru, District- Gaya.

.... Respondent/s

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Appearance :

For the Appellant/s :

For the Respondent/s : Mr. Arun Kumar Sinha, A.C. to G.P. 24

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 24-07-2017

In the matter of appointment of Anganwari Sevika it has been found consistently by the Appellate Authority and the Writ Court that two members from the same family staying in different houses in the same Ward cannot be appointed to the Centre and taking note of the aforesaid, the writ petition has been dismissed and the order passed by the Appellate Authority.

In doing so, we are of the considered view that the learned Writ Court has not committed any error. Even though learned



counsel for the appellant tried to indicate that the policy guidelines in this matter does not prohibit such appointment, we are of the considered view that once appointment is under scheme on payment of honorarium and the guidelines cannot be enforced by way of a *mandamus*, in case the Appellate Authority found that the appointment of the appellant cannot be approved, we see no error in the same warranting consideration.

The Letters Patent Appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
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