

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3406 of 2016

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Manju Kumari W/o Sri Bunde Lal Sao Resident of Village - Nirakhpur Tola,
Paliganj, P.O. + P.S. - Paliganj, District - Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Welfare, Govt. of Bihar.
4. The Deputy Director (Welfare) Patna Division, Patna.
5. The District Programme Officer, Patna.
6. The Child Development Programme Officer, Paliganj, Patna.
7. Manju Kumari wife of Ajay Kumar Resident of Village - Nirakhpur Tola,
Paliganj, P.O. + P.S. - Paliganj, District - Patna.

.... Respondents

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Arvind Ujjwal, SC25

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 20-11-2017

None appears on behalf of the petitioner. Learned counsel
for the State and the private respondent are present.

The grievance of the petitioner stands noted in the order
dated 24.5.2017 and primarily is that even though the petitioner has
secured 76.43% marks on the merit list, yet the private respondent has
been appointed although she has only 50.6% marks.

It is taking note of this grievance that notice was issued and
whereafter private respondent has appeared through counsel Mr.
Arvind Prasad Singh, who has filed a counter affidavit to contest the
claim of the petitioner and to submit that the writ petitioner was
disqualified from appointment because she is a permanent resident of



a different ward. He submits in reference to the merit list that it clearly mentions that the name of the petitioner does not appear in the voter list and the fact is that while the appointment is being made for Centre Code No. 228 in Ward No.11 but this writ petitioner is a resident of Ward No.6. This fact is confirmed from the proceedings of Aam Sabha present at Page-41 of Annexure 8 which clearly mentions that the petitioner is a resident of Ward No.6 and it is for this reason that despite having higher marks she was not selected.

Learned counsel has also invited the attention of this Court to the guidelines in force issued in the year 2011 which at Paragraph 4.6 clearly stipulates that it is only where there are no eligible applicant in the ward in question for which the appointment is being made that the option can be exercised from nearby ward. He submits that such is not the case here because the private respondent is a resident of Ward No.11 for which the appointment is being made and she fulfils the qualification. He submits that it is for this reason that neither the District Programme Officer nor the Deputy Director, Welfare as the appellate authority has interfered with the selection.

Having heard learned counsel for the State and the private respondent and taking note of the guidelines in force, even though the writ petitioner has secured a higher marks but since confirmingly she is a resident of different ward, obviously in view of the stipulations



present at paragraph 4.6 she could not have been appointed until such time that there were no eligible applicants within Ward No.11, which is not the case here as the private respondent fulfils the qualification.

No case for indulgence in the circumstances discussed, is made out.

The writ petition is disposed of.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
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