

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1246 of 2016

In
Civil Writ Jurisdiction Case No.18369 of 2014

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Jaso Devi Wife of Makeshwar Yadav Resident of Village - Banadih, P.O. -
Sohjana, P.S. - Gidhaur, District- Jamui.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Director, Integrated Child Development Services, Bihar, Patna.
3. The Deputy Director, Welfare, Munger Division, Munger.
4. The D.M. cum Collector, Jamui.
5. The District Programme Officer, Jamui.
6. The C.D.P.O., Gidhaur, P.S. Gidhaur, District - Jamui.
7. Rita Kumari Wife of Mukesh Yadav Resident of Village - Banadih, P.O. -
Sohjana, P.S. - Gidhaur, District- Jamui.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ashok Kumar Choudhary, Advocate Mr. Prakash Kumar, Advocates Mr. Manoranjan Kumar, Advocate
For the State	:	Mr. Iqbal Asif Niazi, AC to GP-5

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 08-09-2017

Delay in filing the memo of appeal is condoned.

I.A. No. 4960 of 2016 stands allowed and disposed of.



Seeking exception to an order dated 15.03.2016 passed by the Writ Court in CWJC No. 18369 of 2014 the appeal has been filed under Clause 10 of the Letters Patent.

The appellant and the respondent No. 7, Rita Kumari were candidates who had applied for appointment to the Center in question as Anganwari Sevika/Sahaika. After following the merit of the candidates the appellant was appointed which was challenged by the respondent No. 7 by filing appeal and the appellate authority allowed the appeal and set aside the appointment of the appellant. Challenging the order of the appellate authority, the writ petition was filed by the appellant.

Challenge to the appointment of the appellant was primarily on account of the fact that the respondent No. 7 was disqualified being sister of one Anganwari Sevika/Sahaika and therefore she could not be selected. The appellate authority found that this bar is not attracted as there is no guidelines prohibiting appointment of sister of Anganwari Sevika/Sahaika. Taking the aforesaid into account the learned Writ Court has refused to interfere with the order of the appellate authority.

The concurrent findings recorded by the appellate authority and the writ court, does not call for any interference.



On consideration of the detailed order of the learned Writ Court, we see no error in the order warranting reconsideration.

The appeal is dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

spandey/-

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