

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3632 of 2016

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1. Gyanti Kumari Wife of Kanchan Kumar Resident of village +Po- Orhanur P.s
Muffasil District Nawada.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Welfare, Department, Govt. of Bihar, Patna.
2. Director, Social Welfare Department, Bihar, Patna
3. Deputy Director, Social Welfare, Department, Magadh Division Gaya;
4. District Magistrate, Nawada.
5. District welfare Officer, Nawada.
6. Child Development project Officer, Nawada.
7. Mukhiya, Oraini Gram Panchayat Nawada.
8. Secretary-cum-Panchayat Wewak, Selection Committee, Oraini Gram Panchayat District Nawada.
9. Vichitra Kumari wife of Sri Rajivi Kumar Resident of Village- Orhanpur, P.s Nawada, District Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Ranjan, Adv. Mr. Suman Kumar Jha, Adv.
For the Respondent/s	:	Mr. S.K. Mandal, S.C.3 Mr. Bipin Kumar, A.C. to S.C.3 Smt. Neelam Kumari, A.C. to S.C.3

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 26-02-2018

Heard Mr. Krishna Ranjan, learned counsel for the petitioner
and Mr. Bipin Kumar A.C. to S.C.3

The petitioner is aggrieved by the orders passed by the statutory
authorities under the guidelines issued by the State Government for
regulating the appointment of Anganbari Sevika whereby her
candidature has been rejected inter alia on grounds that the father of
the petitioner held a Government post of Compounder in the Primary



Health Centre. It is not in dispute rather accepted by Mr. Ranjan that the father of the petitioner was a resident of the same district in which the matrimonial home of the petitioner was located. He fairly invited the judgment of this Court passed in the case of **Bimal Kumari Vs. State of Bihar** reported in **2017 (1) PLJR 11** but in reference to the judgments enclosed at Annexures-5 and 6 to the writ petition he submit, that such contentions have held arbitrary.

In my opinion in the nature of the appointment that an Anganbari Sevika holds, until such time that the stipulations which disqualifies the Anganbari Sevika on relationship, are declared ultra vires by the competent forum, the statutory authorities acting thereunder cannot be held at fault. In fact even though the observation of this Court present in the judgments at Annexures-5 and 6 does comment upon such restrictive stipulations but the interpretation given by this Court in the case of **Bimal Kumari** (supra) to such disqualification clause where the close relation of an applicant holds a Government post, the orders impugned would not call for interference.

The writ petition is disposed of.

Bibhash/-

(Jyoti Saran, J)

AFR/NAFR	NAFR
CAV DATE	NA
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