

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1039 of 2017

IN

Civil Writ Jurisdiction Case No. 12719 of 2016

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Yasmin Parween Wife of Abdul Rasheed resident of village - Asandapur, P.O.
Jagarnatha, P.S. Uchakagaon, District Gopalganj

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar, Patna
2. District Magistrate Cum Collector, Gopalganj
3. Deputy Director Welfare, Saran Division, Chapra
4. The District Programme Officer, Child Development Project Collectorate, Gopalganj
5. Child Development Project Officer, Uchakagaon, Gopalganj
6. Tamanna Parween Wife of Md. Ali resident of village - Asandapur, P.O. Jagarnatha, P.S. Uchakagaon, District Gopalganj

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Naresh Chandra Verma, Advocate
For the Respondent/s : Mr. KAUSHAL KR.JHA-AAG8

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 09-04-2018

Having heard learned counsel for the parties, we find
that in the matter of appointment of Anganbari Kevika, Anganbari
Kendra No.52 and approved the claim of respondent no.6 for



appointment to the post in question, the learned Writ Court has taken note of the guidelines, Clause-4.8 thereon and has held that the disqualification attached on account of close relative of a candidate is not attracted in the said case. It has been found that the relative of private respondent does not fall in the category of respondents as the relative alleged is brother of the father-in-law of the private respondent. The learned Writ Court has not committed any error. In fact, for the same offence, we may reproduce the following observations made by the learned Writ Court :

“ It is manifest that while Clause 4.8 and 4.8(A) mentions the names of the relatives who, if holding a public representative post, would be held a disqualification for such appointment, Clause 4.8(B) grants time to any applicant to submit a resignation letter from such holder of post for avoiding the disqualification. A plain reading of different categories of the relatives discussed in Clause 4.8 and 4.8(A) would clearly show that the brother of the father-in-law of an applicant is not classified as a close relative. Thus even if such relation is holding a public representative post, it would not be held a disqualification. Although the



sister-in-law as well as the adopted son and daughters have been held close relative but the brother of the father-in-law has been kept out of such disqualification. In other words ‘the Guidelines’ do not disqualify an applicant in case the brother of father-in-law holds a public representative post.”

We find that the learned Writ Court has not committed any error. The appeal stands dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

N.H./-

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