

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.421 of 2015

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Asha Devi @ Asha Kumari wife of Ramesh Kumar Ram, Resident of Village- Mangaru Chapra, P.O.- Chamanpur, P.S.- Baikunthpur, District- Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Gopalganj
2. The District Magistrate, Gopalganj
3. The Divisional Commissioner, Saran Division, Chapra
4. The Deputy Director, Department of Welfare, Saran Division, Chapra
5. The District Programme Officer, Gopalganj
6. The Child Development Project Officer (C.D.P.O.), Baikunthpur, District- Gopalganj
7. The Block Development Officer (B.D.O.), Baikunthpur, District Gopalganj
8. The Panchayat Secretary, Chamanpur Panchayat, P.S. Baikunthpur, District- Gopalganj
9. The Mukhia, Chamanpur Panchayat, P.S. Baikunthpur, District- Gopalganj
10. The Ward Member (Ward No. 15), Chamanpur Panchayat, P.S.- Baikunthpur, District- Gopalganj
11. Kumari Sweta wife of Anil Kumar Ram, Resident of Village- Mangaru Chapra, P.O.- Chamanpur, P.S.- Baikunthpur, District- Gopalganj

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kishore, Advocate
For the Respondent/s : Mr. Rajiv Roy, GP5

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 31-01-2018

Heard counsels for the petitioner, the respondent no. 11 and the respondents State.

2. The petitioner alleges that the additional seven marks which has been granted to the respondent no. 11 for selecting her as Angan Bari Sevika for Centre No. 50, Chamanpur Panchayat, District Gopalganj, has been granted to her treating her to be a deserted wife. In support of the desertion, a certificate (Annexure 4) has been



produced.

3. It is submitted that the certificate, certifies respondent no. 11 to be a divorcee as also a deserted wife which is not possible. He also submits that the same does not bear any signature of the Mukhia. These issues have not been considered by the District Programme Officer in the order dated 15.03.2014, or the Deputy Director Department of Welfare, Saran Division while rejecting the petitioner's appeal on 25.11.2014.

4. The aforesaid submissions can only be considered in a proceeding where the records can be examined. Therefore, this Court would remand the matter to the Child Development Officer, Baikunthpur, District Gopalganj to consider the allegations made by the petitioner with reference to the records. In view of the remand, the order dated 15.03.2014 passed by the District Programme Officer as also the order dated 25.11.2014 passed by the appellate authority are quashed.

5. Upon remand the Child Development Officer Baikunthpur, District Gopalganj would be obliged to dispose off the matter after hearing both the parties in accordance with law expeditiously and preferably within eight weeks from the date of receipt/production of a copy of this order. To facilitate expeditious disposal of the case the petitioner as well as the respondent no. 11



should appear before the Child Development Officer, Baikunthpur,
District Gopalganj within a period of four weeks from today.

6. The writ petition is disposed off with the aforesaid
direction.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	07.02.2018
Transmission Date	

