

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 9843 of 2014

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Nutan Kumari W/o Arun Kumar R/o Village Jogiya, Ward No. 13, P.O. Jogiya,
P.S. Alauli, District Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner, Munger Division, Munger.
3. The D.M., Khagaria.
4. C.D.P.O., Alauli, District Khagaria.
5. Panchyat Secretary, Panchyatraj, Sahsi, Khagaria.
6. Mukhia, Gram Panchyatraj, Sahsi, Khagaria.
7. Nagma Praveen W/o Rizwan Alam R/o Village Jogiya, Jogiya, Ward No. 13,
P.O. Jogiya, P.S. Alauli, District Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Ajay Kumar – 1, Advocate
For the S t a t e : Mr Anil Kumar Singh, AC to SC XXI
For Respondent No 7 : Mr Pramod Kr Singh & Ram Sumiran Rai,
Advocates

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 25-01-2018

Heard counsel for the petitioner, private respondent No 7
as also the State.

2 The dispute between the petitioner and private respondent No 7 was with respect to appointment of Angan Bari Sevika under Gram Panchayat Raj, Sahsi, Angan Bari Centre, Jogiya in the district of Khagaria. Claim of respondent No 7 that she had been denied the appointment by illegally appointing the instant writ petitioner was approved by the Collector. Miscellaneous Case No 30 of 2007-2008/16 of 2011-2012 was decided by the Court of Collector



wherein relying upon the relevant material, he has come to the conclusion that the name of the writ petitioner's husband was not in the Mapping Register. He has further concluded that the petitioner, being a member of backward class community, by no stretch of imagination, can claim appointment to the said post as the "Posak Area" was reserved to the minority community (Muslim) as the same is dominated by the Muslim community. This aspect of the matter has been overlooked and the petitioner has been illegally appointed by the Mukhiya of this Panchayat,. Specific stand to this effect has also been taken by the State that the said Centre was reserved for appointment of Angan Bari Sevika from the minority community.

3 The petitioner has not denied the same by filing any rejoinder. To that extent, the stand of the State is undisputed.

4 The petitioner's counsel also submitted that petitioner has already worked for six years and as per the 2006 Guidelines, she is qualified for the said post as she has more marks than respondent No 7. The said submission has been noted only to be rejected. The fact that the centre is reserved for minority community (Muslim) stands undisputed and the fact that petitioner belongs to backward class community is also not disputed. The petitioner has no legally enforceable claim to the said centre. The orders of the Collector as well as the Commissioner are well considered order arrived at after



affording the petitioner opportunity of hearing in accordance with law.

5 In view of the aforesaid, this writ application is, accordingly, dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.01.2018
Transmission Date	NA

