

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7982 of 2016

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Nutan Devi, wife of Umesh Kumar, Gram Panchayat Singheshwar, Village-
Rampatti, Ward No. 6, P.S.- Singheshwar, District- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Social Welfare Department, Govt. of Bihar, Patna.
2. The Collector, Madhepura
3. The District Programme Officer, Madhepura.
4. The Child Development Project Officer, Singheshwar, P.S.- Singheshwar, District- Madhepura.
5. Member-cum-Secretary, Selection Committee, Rampatti, Singheshwar Panchayat, District- Madhepura.
6. Kumari Baby Sarita, wife of Kalanand Yadav, resident of Singheshwar Gram Panchayat, Village- Rampatti, Ward No. 6, P.S.- Singheshwar, District- Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Purnendu Keshav, Adv. Mr. Anil Kumar Mukund, Adv.
For the Respondent/s	:	Mr. Upendra Pratap Singh, AC to SC 4

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT
Date : 13-08-2018

Heard Mr. Purnendu Keshav, learned counsel for the petitioner and Mr. Upendra Pratap Singh, learned AC to SC 4 for the State.

The petitioner is aggrieved by the appointment of the respondent No. 6 on the post of Anganbari Sevika, Anganbari Kendra No. 71, Ward No.6, Singheshwar Gram Panchayat in the District of Madhepura. Consequently, she also prays for her own appointment to the post. The prayer of the petitioner before the District Programme Officer has not been entertained and has been



rejected vide order passed on 14.03.2016 impugned at Annexure-1 to the writ petition.

While it is the argument of Mr. Keshav in reference to the guidelines framed by the Department of Social Welfare dated 07.08.2015 that Clause 4.9 has been amended to enhance the salary to Rs. 15,000/- and even if the brother-in-law of the petitioner was serving as a Government Teacher, his salary being below the amount so fixed, there cannot be a disqualification, per contra it is the submission of Mr. Upendra Pratap Singh in reference to the guidelines of 2011 to submit that since the selection process is of the year of 2013 when the guidelines of 2011 was in force, it is the stipulation present therein which would guide the case. He submits that Clause 4.8 and 4.9 read alongside would confirm that a Bhabhi (wife of elder or younger brother of husband) would stand disqualified for such appointment, if the relative which includes the brother of the husband, is in Government Service drawing a salary of Rs. 6,000/- or more. He submits that admittedly the Devar (brother of the husband of the petitioner) was drawing a salary of more than Rs. 6,000/- as a Government teacher and thus she was disqualified for such appointment.



Having heard learned counsel for the parties and considering the stipulations so present in the guidelines, I do not find any infirmity in the order passed by the District Programme Officer impugned in this writ petition and even if there is an appellate remedy so available in the guidelines but the relegation of the petitioner to avail such remedy would be an exercise in futility because the petitioner is not qualified for such appointment as per the stipulations present.

No cause for indulgence is made out in the impugned order.

The writ petition is disposed of.

(Jyoti Saran, J)

Bibhash/Ranveer

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.08.2018
Transmission Date	NA

