

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4044 of 2016

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Krishnawati Devi @ Krishnawanti Devi, Wife of Kamlesh Ram, Resident of
Village- Ratanmala Mathiya, Police Station- Majhauriya, District West Champaran.
..... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, I.C.D.S., Commissionrate, Old Secretariat, Patna.
3. The Director of Integrated Child Development Scheme, Old Secretariat, Patna.
4. The District Magistrate, West Champaran at Bettiah.
5. The District Programme Officer, West Champaran at Bettiah.
6. The Child Development Project Officer, Block Majhauriya District West Champaran.
7. The Mukhiya, Panchayat Raj, Ratanmala, Block- Majhauriya, District- West Champaran.
8. Priyanka Devi, Wife of Ashok Thakur, Resident of Village- Ratanmala Mathiya, Police Station- Majhauriya, District- West Champaran.
..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7, Adv.

For the Respondent/s : Mr. Sanjay Kumar, AC to SC-15

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 06-02-2018

Heard Mr. Sanjay Kumar No.7, learned counsel appearing
for the petitioner and Mr. Sanjay Kumar, learned Assisting Counsel
to Standing Counsel No.15 for the State.

The petitioner is aggrieved by the appointment of the
private respondent to the post of Anganwari Sevika at Centre-
Mishra Tola in Village- Ratanmala, Ward No.10 under Block
Majhauriya in the district of West Champaran.

Two grounds have been raised to question the appointment
of the private respondent, namely:

- (a) The area is dominated by Scheduled Caste; and



(b) No Aam Sabha was held.

I have heard learned counsel for the parties and I have perused the records.

The writ petition is fit to be disposed of on grounds of failure of the petitioner in not availing the alternative remedy but considering the nature of issues raised I deem it proper to consider the issue on merits.

It is not in dispute that the petitioner comes from scheduled caste category as accepted by her in the writ petition. According to her, the area is dominated by scheduled caste residents and since the petitioner belongs to such category, the declaration of majority class as Extremely Backward Class, was not proper and further since the Aam Sabha was not properly held, hence the whole proceeding is bad in law.

In my opinion, neither of the grounds merits consideration. A determination of majority class for the appointment in question is done prior to the selection process and the proceeding at Annexure 'B' to the counter affidavit confirms that such determination was done on 4.2.2013 when it was held that the number of residents coming under the 'Tatawa' caste constituted a majority of 477. Since the 'Tatawa' caste at the relevant time fell under the Extremely Backward category that the majority class was determined as such. It is again not in dispute that



subsequently the ‘Tatawa’ has been included under the scheduled caste category but since at the time of initiation of selection process the ‘Tatawa’ caste fell under the Extremely Backward Class hence the dominant class was held as such for the selection process and which was never questioned by the petitioner at any stage until culmination of the selection process. The petitioner having participated on the basis of such determination done much prior to the Aam Sabha held, she is precluded to raise the issue of the majority class at such belated stage.

The second issue raised by the petitioner that Aam Sabha was not properly held again is fit to be rejected in view of the copy of the proceeding at Annexure ‘A’ of the counter affidavit of respondent no.4 which confirms that the proceeding of Aam Sabha was held in which the private respondent was held most suitable candidate and thus appointed to the post of Anganwari Sevika.

For the discussions above, the issue raised lacks in merit and is de-hors the material on record.

The writ petition is dismissed.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.02.2018
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