

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6048 of 2016

=====

Urmila Kumari @ Urmila Devi Wife of Bharat Choudhary, Resident of Village-
Fakarabad, P.S. Sonapur, District- Saran.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. Director, Social Welfare Development, Govt. of Bihar, Patna.
3. That Deputy Director Welfare Saran Division, Chapra.
4. The Commissioner, Saran at Chapra.
5. The District Magistrate, Saran at Chapra.
6. The District Programme Officer, Saran at Chapra.
7. The Sub-Divisional Officer, Sonapur, Saran.
8. The Block Development Officer, Sonapur, Saran.
9. The C.D.P.O. Sonapur, Saran.
10. The Mukhiya Gram Panchayat Raj Dudhaila Saran.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Dhananjay Mishra, Adv.
For the Respondent/s : None

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 06-04-2018

Heard Mr. Dhananjay Mishra, learned counsel for the
petitioner. There is no representation on behalf of the State.

The petitioner questions the order dated 30.11.2011 of the
Commissioner, Saran Division, Chapra in Aanganbari Appeal No.
3/2011, whereby her appeal has been dismissed.

Having heard learned counsel for the petitioner and apart
from the fact that the present writ petition is grossly belated, inasmuch
as the petitioner seeks to question an order passed almost five years
back, even on merits the issue does not require a reconsideration.

An earlier attempt by this petitioner to question the
appointment of one Jaisheela Devi as Anganbari Sevika though



upheld by the District Magistrate, Saran in his order dated 22.7.2008 was reversed by the Deputy Director (Welfare), Saran Division, Chapra by his order passed on 28.4.2009 in appeal. As a consequence, the said Jaisheela Devi was reinstated on 30.5.2009. Feeling aggrieved the petitioner came before this Court in C.W.J.C.No. 13194/2010 which was disposed of to make avail of the appellate remedy and whereafter the issue was again raised before the Commissioner, Saran Division, Chapra who on examination of the issue raised regarding determination of a majority caste at the centre in question, has found no infirmity therein to confirm the appointment of Jaisheela Devi.

A decision on a majority caste is an issue of fact and if the statutory authorities have examined to conclude on the same, this Court certainly in exercise of extra-ordinary jurisdiction under Article 226 of the Constitution of India would not interfere with the decision in absence of foundational facts and supportive documents. As observed, thus, neither on merit nor on the issue of delay, the writ petition is capable of indulgence and is accordingly dismissed.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.04.2018
Transmission Date	NA

