

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10399 of 2010

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1. Thakur Kumud Ranjan S/O Late Jitendra Singh R/O Gram Panchayat- Koieria
Pipra, Vill.- Bara, Ward No.5, P.O.- Dharharwa, P.S.- Parihar, Distt.- Sitamarhi
..... Petitioner/s

Versus

1. The State Of Bihar Through Its Commissioner-Cum-Secretary To Social Welfare
Department Govt. Of Bihar, Patna
2. The Commissioner, Tirhut Division, Muzaffarpur
3. The District Magistrate-Cum-District Officer, Sitamarhi
4. The District Welfare Officer, Sitamarhi
5. The District Programme Officer, Sitamarhi
6. The Block Development Officer, Parihar, Distt.- Sitamarhi
7. The Child Development Project Officer, Parihar, Sitamarhi
8. The Mukhiya, Gram Panchayat-Koieria Pipra, P.S.- Parihar, Distt.- Sitamarhi
9. The Secretary, Gram Panchayat- Koieria Pipra P.S.- Parihar, Distt.- Sitamarhi
10. Smt. Abhilasha Kumari @ Abhilasha Mishra W/O Ranjit Kumar Mishra R/O
Vill.- Bara At Ward No.-07, Gram Panchayat- Koieria Pipra, P.S.- Parihar, Distt.-
Sitamarhi

..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. PREM KUMAR JHA
Mr. Rajesh Kumar Jha
For the State : Mr. Vijoy Bharti

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 10-04-2018

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is a stranger in the sense that he is not a rival
or was candidate for the Anganwari Sevika. Private respondent
no.10, namely, Smt. Abhilasha Kumari alias Abhilasha Mishra
was appointed as Anganwari Sevika.

A proceeding was initiated at the instance of the report
submitted by the District Programme officer dated 7.2.2009



where allegation was made that respondent no.10 was not distributing PHR to the beneficiary of the feeder area and the signature in the register was found to be forged as well as allegation was made that she was running Anganwari Sevika in the house of Sitaram Mishra and voucher of payment of rent was found to be forged and fabricated.

On receipt of the complaint, notice was given to respondent no.10 vide letter no.108 dated 20.3.2009 from there it appears that respondent no.10 was outsider of the feeder area and obtained wrong receipt showing the payment of rent as well as she has not distributed the PHR properly, on that basis it has been recorded as respondent no.10 is outsider to feeder area her appointment itself is illegal as well as she produced the wrong rent receipt showing payment of rent and the same has been declared to be forged and fabricated and directed to deposit of the amount of rent which respondent no.10 has received.

Against that respondent no.10 has filed an appeal and Commissioner has recorded that she was singular candidate applied for Anganwari Sevika as no one of the feeder area had filed application for the said post, placing reliance on the letter of the Government, declared the selection of respondent no.10 was legal, inasmuch as the family members are below the poverty line



as their names are standing in the BPL list and further finding has been recorded that she had properly distributed take home ration which is reflected from the distribution register and further recorded that the receipt showing payment of rent to Sitaram Mishra is valid piece of paper and declared the appointment and action of respondent no.10 is fair and proper.

Learned counsel who could not have applied for the said post as being a male member nor he has personal interest, his status is stranger or interloper, cannot be said to person aggrieved.

This present writ petition is not a Public Interest Litigation, inasmuch as the Commissioner has already arrived to a finding that appointment of respondent no.10 to be proper and present petitioner cannot be said to a person aggrieved against the order passed by the Commissioner and as such this Court is of the view that the writ petition filed by the petitioner is completely misconceived and it is accordingly dismissed.

Vinay/-

(Shivaji Pandey, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.4.2018
Transmission Date	NA

