

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.837 of 2015

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Anju Kumari wife of Vinod Kumar, resident of village Pahitiya, P.S. Silao, District Nalanda at present working as "ASHA" under Primary Health Centre Rajgir, District Nalanda
..... Petitioner

Versus

1. The State of Bihar.
 2. The Principal Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
 3. The District Magistrate cum Chairman, District Health Society, Nalanda.
 4. The Civil Surgeon cum Secretary District Health Society, Nalanda.
 5. The Incharge Medical Officer, Primary Health Centre, Rajgir, Nalanda.
 6. The Mukhiya, Gram Panchayat Raj Bhui Prakhand Rajgir, Nalanda.
- Respondents
- =====

Appearance :

For the Petitioner : Mr. Sudhir Kumar, Advocate

For the Respondents : Mr. Aditya Nath Jha, A C to SC 18

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 02-04-2018

Heard learned counsel for the petitioner as well as learned counsel for the State.

The petitioner has filed the instant writ application seeking a direction that respondent no.6 Mukhia, Gram Panchayat Raj Bhui Prakhand Rajgir, Nalanda should be restrained from creating disturbance by allowing another "ASHA" worker Rina Kumari @ Rina Devi to work in the area allotted to the petitioner.

Counsel for the State has placed reliance on the averments made in the counter affidavit. They have denied petitioner's claim that she is entitled to any other area apart from Kurthour which is the beneficiary area of Kurthour Anganbari Center allotted to the



petitioner. They have stated that there is no other village and tola in the beneficiary area of Anganbari Centre, Kurthour. Specific stand of the State is that the petitioner was selected only for Kurthour beneficiary area where the Anganbari Center is situated and that Rina Kumari against whom the petitioner is making allegation has been selected as “ASHA” worker in her beneficiary area, Bhui as a Unit of Anganbari Center and both are operating in their separate field.

By filing re-joinder the petitioner has raised an issue that the population of her area is less than 1000. She has neither placed on record any provision to show that she has a right that population of her area must be at least 1000 and in view of the stand taken by the respondents that both the petitioner, as well as Rina Kumari are working in their own separate beneficiary area, this Court does not find any substance in the writ petition.

In view of the above, the writ petition is dismissed.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	
CAV DATE	NA
Uploading Date	5.4.2018
Transmission Date	NA

