

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17258 of 2010

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Anita Kumari, W/O Kartik Prasad, resident of Village- Pali (Bichli Tola), P.O.-
 Gola Bazar, Under Gram Panchayat-Pali, Police Station and Block- Kaua Kole,
 Distt.- Nawada

.... Petitioner

Versus

1. The State of Bihar
2. The Secretary, Department of Social Welfare, Government of Bihar, Patna.
3. The Director, I.C.D.S., Department of Social Welfare Government of Bihar,
 Patna.
4. The District Magistrate, Nawada.
5. The District Programme Officer, Social Welfare, Nawada
6. The District Welfare Officer, Nawada
7. The Sub-Divisional Magistrate, Nawada
8. The Block Development Officer, Kaua Kole, District- Nawada
9. The Child Development Project Officer, Kaua Kole, Distt.- Nawada
10. Raj Kumari Devi, The Mukhiya, Gram Panchayat-Pali P.S. and Block- Kaula
 Kole, Distt.- Nawada
11. Runnu Kumari, W/O Subhash Chandra Prasad, resident of village- Pali (Bichli
 Tola), Post Office- Gola Bazar, Under Gram Panchayat- Pali, P.S. and Block-
 Kaua Kole, Distt.- Nawada.

.... Respondents

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar Roy, Advocate
For the State	:	Mr. Birju Prasad, G.P.-13
		Mr. Ashok Kumar, A.C. to G.P.-13
		Mr. Amresh, A.C. to G.P.-13
For Respondent No.11	:	Mr. Durgesh Nandan, Advocate
		Mrs. Manisha Prakash, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 10-01-2018

Heard learned counsel for the parties.

2. In this case, the petitioner is claiming to be appointed as
 Anganbari Sevika. The appointment is connected with Pali West



feeder area, where the petitioner and others including Runnu Kumari, respondent no.11, had also applied for being appointed as Anganbari Sevika, respondent no.11 was appointed as the petitioner was from different feeder area, namely, Beldaria feeder area, her case was not taken into consideration. Aggrieved by the action of the Panchayat, she approached the District Programme Officer, who has got the inspection done and the report was submitted that the petitioner is resident of Pali West feeder area and the order was passed in her favour. The District Programme Officer also doubted the genuineness of the Mapping Register as he has recorded that signature of C.D.P.O. was not there in the Mapping Register on the day of Aam Sabha. Against that respondent no.11 filed an appeal before the Collector, Nawada, who again obtained the report about the residence of the present petitioner, wherein he found that the petitioner is not resident of Pali West feeder area rather she is from Beldaria feeder area and accordingly, the order was passed in faovur of respondent no.11.

3. The State has produced the Mapping Register, which the petitioner is challenging submitting that it is not a proper document as the document itself depicts that the signature of C.D.P.O. has not been obtained on the date of Aam Sabha.

4. Be that as it may, it is a disputed question of fact



whether the petitioner is of Pali West feeder area or she belongs to Beldaria feeder area. In the ends of justice, this Court is referring the matter to the Commissioner, Magadh Division, Gaya, who will call for the records and obtain fresh report from fair higher officer. If it is found that the petitioner belongs to the Pali West feeder area not from Beldaria feeder area, then certainly the petitioner has a better marks than that of the respondent no.11, she should be declared successful but *vice versa* if it is found that she is not of that area, certainly there is no need to interfere with the impugned order. All the process should be completed within a period of six months from the date of receipt/production of a copy of this order. It is made clear that before passing any order, the Commissioner will hear both the parties and pass reasoned order in accordance with law.

5. With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
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