

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1626 of 2016
IN
Civil Writ Jurisdiction Case No. 1562 of 2014**

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Shabana Ara W/o Md. Alam R/o village - Deramari, Ward No. 06, Gram Panchayat Raj Deramari, P.O. Patkoi, P.S. Kochadhama, District - Kishanganj

.... Appellant

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare Government of Bihar, Patna
2. The Director of Social Welfare, Government of Bihar, Patna
3. The Regional Development officer, Purnia Division, Purnea
4. The District Magistrate, Kishanganj, District - Kishanganj
5. The District Programme officer, Kishanganj, District - Kishanganj
6. The Child Development Project officer, Kochadhaman Block, District - Kishanganj
7. The Chairman of Selection Committee of Anganbadi Sevika, Deramari Gram Panchayat, Block - Kochadhaman, District - Kishanganj
8. Gausia Nasim W/o Shamshad Alam R/o village - Deramari, Ward No. 06, Deramari Gram Panchayat Raj Deramari, Block - Kochadhaman, Patkoi, P.O. Patkoi, P.S. Kochadhama, District - Kishanganj

.... Respondents

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Appearance :

For the Appellant/s : Mr. Rajeev Kumar Singh, Adv.
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date: 11-07-2018

Re : L.P.A. No. 1626/2016 with L.A. No. 6556/2016

We have heard Mr. Rajeev Kumar Singh, learned Counsel for the appellant, on the limitation petition as well as on the appeal.

There is a delay of one year 124 days in filing the appeal.

In so far as the merits of the claim is concerned, the matter



relates to appointment of Anganbari Sevika. The records transpire that the very qualification of the appellant as a resident of the Poshahar area was in doubt and which persuaded the Aam Sabha to appoint the private respondent, who was at serial no.2 with lesser marks than the appellant. The appellant feeling aggrieved moved before the District Programme Officer who without bothering to satisfy himself whether or not the stipulations as regarding the residence of 'Poshahar area' was satisfied by the appellant-petitioner before the Aam Sabha, upheld her claim on the basis of marks secured by the appellant and her position in the merit list vide order present at Annexure-7 to the writ petition. It was now the turn of the initial appointee i.e. the private respondent to move the appellate authority and who has seen through the illegality committed by the District Programme Officer to confirm the appointment of the private respondent. The records further transpire that the petitioner has failed to satisfy her residence qualification with the aid of the residential certificate until the appellate authority. The learned Single Judge has taken note of all these aspects to dismiss the writ petition and even before this Court we are not persuaded with the argument of Mr. Singh to interfere therewith.

In so far the issue of limitation is concerned, we find that though a plea of prolonged illness has been taken to support such prayer but the limitation application does not accompany any document supporting such illness plea taken by the appellant.



While thus not finding the reasons assigned by the appellant for condonation of delay of one year and 124 days in moving in appeal persuasive enough for condonation in absence of supportive documents, even on merits we are not satisfied that the matter required indulgence. Consequently the Interlocutory Application as well as the appeal are dismissed in limine.

(Jyoti Saran, J)

(Chakradhari Sharan Singh, J)

Archana/Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
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