

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1315 of 2015

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Khusbu Devi W/o Bipin Kumar, Resident of Village - Khutaha Chetan Tola Ward No. 1, P.S. Barahiya, District - Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Social Welfare Department, Govt. of Bihar, Patna.
2. The District Social Welfare Department, Govt. of Bihar, Patna.
3. The District Magistrate, Lakhisarai.
4. The Dy. Director, Welfare Munger Division, Munger.
5. The District Programme Officer, Lakhisarai.
6. The Child Development Project Officer, Barahiya, P.s. - Barahiya, District - Lakhisarai.
7. Amrita Kumari, W/o Ashutosh Kr. Singh, R/o Village - Khutaha East ward no. 2, P.S. - Barahiya, District - Lakhisarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dr. Anjani Pd. Singh, Advocate

For the Respondent/s : Mr. Ravi Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 07-05-2018

Heard counsel for the petitioner, the respondent no. 7 as also the respondent State.

2. The respondent no. 7 was selected as Angan Bari Sevika. The petitioner herein has challenged her selection on the ground that respondent no. 7 was not a resident of ward no. 1. In view of such challenge being made the District Programme Officer under his order dated 31.01.2014 had set aside the selection of respondent no. 7 and the petitioner being the second empanelled candidate, became entitled for selection as Angan Bari Sevika.



3. The order of the District Programme Officer was challenged by the respondent no. 7 before the Divisional Commissioner, Munger by filing Case No. 43/2014. The appellate authority has relied upon the voter list prepared in the year 2011 to conclude that the respondent no. 7 was a resident of ward no. 1 and thus, eligible for selection in question.

4. Being aggrieved by the said order the petitioner has filed the instant writ petition on the ground that the respondent no. 7 is not a member of ward no. 1. He relied upon Annexure 9 to the rejoinder filed on behalf of the petitioner. The same is a voter list prepared for Panchayat Election 2016, after the selection in question has been decided. Therefore, the same cannot be the basis for deciding the petitioner's eligibility at the time of advertisement which was much earlier in time. The appellate order further records that the petitioner's husband was a ward member at the time the name of respondent no. 7 was being added in the voter list of ward no. 1, and as such she had suffered disqualification.

5. This court may not consider the correctness of those findings since the validity of respondent no. 7 who was 1st in the panel with reference to her residence in ward no. 1 has been upheld, there is no reason for the petitioner who is admittedly the second empanelled candidate to be considered for selection in



question. The order of the appellate authority has been passed after considering all these aspects of the matter.

6. This Court does not find any infirmity in the order passed by the appellate authority.

7. The writ petition is therefore, dismissed.

(Madhuresh Prasad, J)

Prakash/-

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