

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.962 of 2015

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Puja Kumari. Wife of Surendra Kumar. Resident of Village - Vishanpur Dutt, Dhima, Ward No. 11, Post Office - Dhima, Police Station - Banmankhi, District - Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Social Welfare, Bihar, Patna.
3. The Director (Project), N.M.U.-cum-Director, I.C.D.S., Patna.
4. The District Magistrate, Purnea.
5. The District Programme Officer, Purnea.
6. The Sub-Divisional Officer, Banmankhi, District - Purnea.
7. Sunita Kumari. Wife of Sri Chintu Kumar, Daughter of Late Ganesh Prasad Yadav. Resident of Village - Dhokardhar, Ward No.7, Police Station + Post Office - Banmankhi, District - Purnea.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate
For the State : Mr. Manish Kumar, Advocate, AC to AAG -6
For the respondent No. 7 : Mr. Amit Kumar Anand, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 18-06-2018

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

2. The short points raised by the counsel for the petitioner is that the appointment of respondent no. 7 is contrary to the qualifications laid down in the Annexure 1.

3. It is his submission that the essential qualifications for appointment as Uddeepika as stated in Annexure 1 is that the applicant is required to be an Indian national and 12th/intermediate pass with certain minimum prescribed marks. It is third requisite qualification which the petitioner submits, that the respondent no. 7



does not possess.

4. It is submitted by the petitioner that the respondent no. 7 is not the permanent resident of Panchayat Vishanpur Dutt under the Banmankhi Block in Purnea District where she has been appointed. He submits that in fact respondent no. 7 is a resident of Madhepura. The details in this regard has been submitted before the respondent no. 3, the Director, ICDS. He submits that in spite of the said objection no action has been taken and the respondent no. 7 has been appointed contrary to the specified qualifications and inspite of the fact that she was not qualified for appointment in question.

5. Respondent no. 7 has appeared and submitted that selection as Angan bari Sevika in question was only for limited period of two years.

6. Counsel for the petitioner has submitted that in spite of illegal appointment of the respondent no. 7 and inspite of the several allegations substantiated by the documentary evidence pending before the authorities, the initial appointment of the respondent no. 7 on contractual basis for two years is being extended from time to time without even looking into the allegations made against the respondent no. 7.

7. In view of the aforesaid submissions, this Court would observe that keeping the instant matter pending before this Court would not serve any purpose since the allegations levelled by the petitioner regarding the respondent no. 7 not being a permanent resident of Panchayat Vishanpur Dutt under the Banmankhi Block in Purnea District and therefore, disqualified for appointment in question has to be examined by the respondent no. 3, which has not been done. This Court would therefore, direct the respondent no. 3 to take a final decision on the complaint made by the petitioner (Annexures 4-6).



8. The parties agree that they shall be present before the respondent no. 3 on 9th July, 2018 so as to facilitate the expeditious disposal of the complaint, let the final decision be taken within a period of eight weeks thereafter.
9. It is expected that the respondent no. 7 shall fully cooperate in the proceedings and facilitate expeditious disposal of the complaint.
10. The writ petition is disposed off with the observations above.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

