

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1778 of 2017

In

Civil Writ Jurisdiction Case No. 3560 of 2014

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Shobha Kumari, Wife of Ghanshyam Kumar @ Ghanshyam yadav,
Resident of Village- Birgaon, P.O.-Chatra, P.S.-Gawalpara, District-
Madhepura.

.... Appellant

Versus

1. State of Bihar, Through the Secretary, Social Welfare Department,
Government of Bihar, Patna.
2. The Director, ICDS, Social Welfare Department, Government of Bihar,
Patna.
3. The Divisional Commissioner, Koshi Division, Saharsa
4. District Magistrate, Madhepura
5. The District Programme Officer, Madhepura.
6. The Child Development project Officer, Gawalpara, District-Madhepura.
7. Aruna Kumari, Wife of Bisheshwar Singh, Resident of Village-Latipur,
P.S.-Bihpur District Bhagalpur at Present Resident of Village-Birgaon,
P.O.-Chatra, P.S.-Gawalpara, District-madhepura.

.... Respondents

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Appearance :

For the Appellant/s : None

For the Respondent/s : Mr. Manish Kumar, AC to AAG6

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

5 20-08-2018 None appears on behalf of the appellant to press the
appeal.

Mr. Manish Kumar, learned AC to AAG-6, appears for
the State and in reference to the judgment and order of the learned
Single Judge submits that it is in tune with the legal prescriptions.

We have heard Mr. Manish Kumar, learned State
Counsel and have perused the records.



While noting that none had appeared on behalf of the appellant when the matter was put up for consideration of the condonation application that we, taking note of the explanation given, were persuaded to condone the same and posted the appeal for consideration on merits when again none has appeared to press the appeal. We have proceeded to examine the judgment and order of the learned Single Judge and the reasons assigned for dismissal of the writ petition. We have also heard Mr. Manish Kumar, learned State Counsel, in opposition of the appeal.

The judgment and order of the learned Single Judge would confirm that in the contest between the appellant- writ petitioner and the private respondent, since the majority class in the serving area concerned, came from the Extremely Backward Class while the appellant- writ petitioner belonged to Backward Class that the District Magistrate in consideration of the objection raised by the appellant- writ petitioner on her non-selection, got an enquiry conducted and when it was confirmed that the majority class in the area constituted of people coming from Extremely Backward Class while the appellant- writ petitioner was a candidate from the Backward Class. It is taking note of these circumstances that the appointment of the petitioner was cancelled and the order was issued by the District Magistrate, Madhepura for



fresh selection of Anganwari Sevika. Learned Single Judge has taken note of the enquiry report which would confirm that the population of Extremely Backward Class is 1400 which exceeded the population of the Backward Class. We are persuaded to confirm the opinion expressed by the learned Single Judge which is resting on a fact finding report, to dismiss the appeal.

The Letters Patent Appeal is dismissed accordingly.

(Jyoti Saran, J)

(Chakradhari Sharan Singh, J)

Surendra/-

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