

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1526 of 2018

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Rinku Devi, wife of Shri Sanjay Kumar Yadav @ Sanjay Yadav, resident of Village- Maina, Ward No. 01 under Gram Panchayat Parariya, Police- Station- Sonbarsha, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Director, I.C.D.S., Bihar, Patna.
3. The Divisional Commissioner, Koshi Division, Saharsa.
4. The Deputy Director, Welfare, Koshi Division, Saharsa.
5. The District Magistrate, Saharsa.
6. The Deputy Development Commissioner, Saharsa.
7. The District Programme Officer, I.C.D.S. Cell, Saharsa.
8. The Child Development Project Officer, Sonbarsha, District- Saharsa.
9. The Child Development Project Officer, Banama Itahari, District- Saharsa, Deputed Officer as Secretary for the Aam Sabha held on 16.11.2013
10. Smt. Neeta, Wife of Shri Sudhir Kumar Yadav, resident of Village- Maina, Ward No. 01 under Gram Panchayat Parariya, Police- Station- Sonbarsha, District- Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Singh, Advocate
For the Respondent/s : Mr. Gyan Prakash Ojha -GA7
Mr. Gopal Krishna, AC to GA-7

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 13-07-2018

Heard learned counsel for the petitioner and learned counsel
for the State.

In this present case, the petitioner is challenging the memo
vide no. 1225-1/I.C.D.S., dated 10.09.2014, whereby and
whereunder the District Magistrate, Saharsa has recorded that
private respondent has secured 62.44 percent marks whereas the



petitioner has secured 57.40 percent marks as well as the Gotni who is Chairman of PACS cannot be treated as Jan Pratinidhi, placing reliance on circular issued by the State Government.

The matter relates to appointment of Aanganbari Sevika of Centre No.184 situated at Parariya, Sonbarsha Block, Saharsa.

The petitioner and private respondent alongwith others had applied for the post of Aanganbari Sevika but only two candidates remained in fray and others applications were rejected on different grounds which has been mentioned in the order of the District Magistrate. In the present case the only controversy is that whether the Chairman of the PACS is to be classified to be Jan Pratinidhi or not? As per the petitioner, they will be treated to be Jan Pratinidhi and disqualified in view of the guideline issued by the Government whereby certain class of applicants has been declared to be disqualified for the post of Aanganwari Sevika.

As per the petitioner, the respondent no.10 will be treated to have been excluded in terms of clause 4.8 of the Sahayika Selection Guidelines 2011 and submitted that any person who is elected through the process of election will be treated to be a Jan Pratinidhi. If this logic is accepted then any elected person of any society will be treated to be a Jan Pratinidhi which will bring



absurd situation as the member of Housing Society also conduct election is President will also be treated elected representative, certainly cannot be treated to be a Jan Pratinidhi. In similar manner the Chairman of the PACS is elected by the registered farmer of the Panchayat. In view of the Circular and guideline issued by the Government of Bihar whereby guideline has been issued by the Chairman of the PACS will not be treated to be Jan Pratinidhi.

In such view of the matter, respondent no.10 has better mark than to petitioner, the grievances raised by petitioner has no substance.

Accordingly this writ petition is dismissed.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.7.2018
Transmission Date	NA

