

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.342 of 2016

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Binita Kumari, Wife of Sri Ram Babu Mahto, Resident of village- Gothara, P.O. + P.S.- Roshera, District – Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Govt. of Bihar, Patna.
2. The Commissioner, Darbhanga Division, Darbhanga.
3. The District Magistrate, Samastipur.
4. The District Programme Officer, Samastipur.
5. The C.D.P.O. Block- Roshera, District – Samastipur.
6. The Mukhiya, Jahangirpur South Gram Panchayat, Block- Rosera, District- Samastipur.
7. Smt. Ranjana Kumari, Wife of Sunil Kumar, Gram Panchayat Jahangirpur South, Block- Rosera, P.O. + P.S. Rosera, District – Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.N. Yadav, Advocate

Mr. Ranjit Kumar Yadav, Adv.

For the Respondent/s : Mr. Jainendra Kr. Sinha, AC to SC-17

For the Private Respondent: Mr. Mukesh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 27-03-2018

Heard Mr. S.N. Yadav, learned counsel appearing for the petitioner, Mr. Jainendra Kumar Sinha, learned Assisting Counsel to Standing Counsel No.17 for the State and Mr. Mukesh Kumar, learned counsel appearing for the private respondent.

The petitioner is aggrieved by the appointment of the private respondent on the post of Anganbari Sevika, Anganbari Kendra No.189, Jahangirpur South Panchayat, Block- Rosera in the district of Samastipur.

The ground raised by Mr. Yadav, learned counsel appearing for the petitioner to question the appointment is in reference to the merit list, a copy of which is present at Annexure 1 and in which the name of the



petitioner appears at serial no.1 while that of the private respondent appears at serial no.2. He submits that it is feeling aggrieved by such position that the private respondent approached the District Magistrate and when on direction so issued, she was allowed to take the benefit of being a disabled person. He submits that in the exercise undertaken following the direction of the District Magistrate, she was given additional points on disablement which put her at serial no.1, ahead of the writ petitioner.

Since it is questioning the veracity of the disability certificate so produced by the private respondent that the petitioner approached this Court to question her claim that this Court vide order passed on 2.2.2018 directed the Civil Surgeon, Samastipur to examine the matter and file his affidavit. A supplementary counter affidavit is filed in which it is explained that the private respondent is a disabled person and although in the response given by his office to the R.T.I. application of the writ petitioner, did not include her name but the records transpire that the information was given without verification of the correct facts. It is stated that not only the name of Ranjana Kumari, the private respondent herein but also two others, namely, Bauni Devi and Ranjit Kumar Sahni were found missing in the information so supplied though were present in the original register, the relevant extract of which is annexed as Annexure 'A' to the counter affidavit of the Civil Surgeon which confirms the disability of the private respondent.

Having heard learned counsel for the parties and considering



that even though some procedural error did occur in the form so filled up by the private respondent, may be due oversight or may be due to inadvertence but which error has been corrected in the light of the certificate so present at Annexure-F which confirms her disabled status, there is no procedural error in treating her as such. In such circumstances the decision of the Aam Sabha to give appointment to the private respondent on award of additional points on her disabled status which brought her ahead to the writ petitioner neither suffers any infirmity nor suffers any doubt rather the doubt whatsoever stands clear by the counter affidavit of the Civil Surgeon, Samastipur filed on 13.3.2018. In my opinion the error committed by the Public Information Officer while furnishing the list of disabled person under the R.T.I. Act, which did not mention the private respondent stands explained in the affidavit of the Civil Surgeon, Samastipur.

In the circumstances discussed, the appointment of private respondent does not warrant any interference.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05-04-2018
Transmission Date	NA

