

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4620 of 2015

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Soni Kumari @ Soni Devi wife of Sunil Kumar Singh Resident of Village- Bairia,
P.S. - Fatehpur, District Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar , through the Commissioner, Purnea.
2. The Commissioner , Purnea,
3. The District Magistrate , Purnea.
4. The Joint Commisioner-cum-Secretary , Regional Transport Authority, Purnea.
5. The District Programme Officer, Kishanganj .
6. The Child Development Project Officer, Tedhagachh, Kishanganj
7. Renu Kumari Wife of Vishnu Prasad Singh , Resident of Village- Bairia, P.S. - Fatehpur, District Kishanganj.
8. Mala Kumari Singh Wife of Chandwar Lal Singh , Resident of Village- Bairia, P.S. - Fatehpur, District Kishanganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate

For the Respondent/s : Mr. NADEEM SERAJ- GP5

Ms. Shalini, AC to GP 5

For the respondent no. 7 : Mr. Pramod Kumar Mallick, Advocate

For the respondent no. 8 : Mr. Sarengdhar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 20-08-2018

Counsel for the petitioner submits that the order of the Appellate Authority is bad since he has failed to consider the petitioner's eligibility. She has been discriminated against in as much as the bonus marks (seven marks) on account of her intermediate qualification was not added to her matriculation marks. Therefore, she has suffered as the percentage of marks which were taken into consideration for preparing merit list for selection of Anganbari



Sevika at Centre No. 133, was less than what the petitioner was entitled.

2. No such issue has been raised before the Appellate Authority i.e. the Commissioner cum-Secretary, Regional Transport Authority, Purnea. Since the issue has never been raised by the petitioner before the authorities, the same could not have been considered.

3. Counter affidavit has been filed on behalf of the State. The State has supported the selection in question on the ground that Respondent No. 8 was having more marks and thus the better choice. There is no rejoinder or reply to the counter affidavit disputing or denying the submissions made therein.

4. In view of the aforesaid situation, there is no occasion for this Court to interfere with the selection.

5. The writ petition is dismissed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

