

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14937 of 2013

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INDU KUMARI WIFE OF ASHOK THAKUR RESIDENT OF VILLAGE -
DHEKHAN KASWA, POST OFFICE - DHEKHAN BAZAR, POLICE
STATION - PIPRA, KOTHI, DISTRICT - EAST CHAMPARAN

... .. Petitioner/s

Versus

1. The State Of Bihar, Through The Secretary, Department Of Social Welfare,
Government Of Bihar, Patna
2. Director, Department Of Social Welfare, Government Of Bihar, Patna
3. District Magistrate, East Champaran At Motihari
4. District Programme Officer, East Champaran At Motihari
5. District Welfare Officer, East Champaran At Motihari
6. Child Development Project Officer, Pipra Kothi, District - East Champaran
7. Mukhia, Gram Panchayat Raj, Dhekha Dakshini
8. Panchayat Secretary, Dakshini Dekha, Police Station - Pipra Kothi, District -
East Champaran
9. Pratima Devi Wife Of Sri Jit Lal Prasad, Daughter - In - Law Of Sri Narayan
Prasad Resident Of Village - Dhekhan Kaswa, Police Station - Pipra, Kothi,
District - East Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajan
For the Respondent/s : Mr. YOGENDRA PD. SINHA

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 21-03-2018

The writ petition under Article 226 of Constitution of India has been filed for quashing order dated 29.12.2010 passed by the Collector, East Champaran, Motihari, in Misc. Case No. 50 of 2009 as well as order dated 22.6.2009 passed by the District Programme Officer, East Champaran, cancelling the appointment of Respondent No. 9 on the post of Aanganwari Sevika at Centre No. 53 within Pipra Kothi Block in the district of East Champaran.



It was submitted on behalf of petitioner that Centre was reserved for extremely backward Class and appointment was to be made from the candidates belonging to extremely backward class at Centre No. 53. However, petitioner has been denied appointment treating her as resident of Centre No. 54 and appointed Respondent no. 9 treating her to be resident of Centre No. 53 although she does not belong to extremely backward class. Notice was issued to Respondent No. 9 and she has appeared in this case and after going through the materials on record and pleadings filed by the parties there appears factual dispute with respect to mapping of register prepared and its subsequent amendment has been made only in the interest of Respondent No. 9 and to appoint her.

Although she belongs to backward class and the post has been reserved for the candidate of extremely backward class but since there was no candidate belonging to extremely backward class and although petitioner belongs to extremely backward class but she has been shown to be resident of Aanganwari Centre No. 54, as such she could not be appointed.

These are dispute of facts which cannot be decided in a writ petition. As such, the orders passed by the authorities are set aside and the matter is remanded to the District Programme



Officer, East Champaran, to reconsider the matter afresh and pass a fresh order after hearing the parties and same may be concluded within three months from the date of receipt/production of a copy of the order passed by this Court.

The writ petition is disposed of.

The original record produced by the learned counsel for the State is being returned to him.

(S Kumar, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

