

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7913 of 2016

Sanila Kumari (Devi) wife of Devendra Kumar Ram resident of Naya Tola
Lakhanjhari, Prakhand - Purnea East, P.O. - Mohan Kunda, Via - Guab Bagh,
District - Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Social Welfare Department, Govt. of Bihar, Patna.
2. The Director, Social Welfare Department, Government of Bihar, Patna.
3. The Commissioner, Purnea Division, Purnea.
4. The Collector, Purnea.
5. The District Programme Officer, Purnea.
6. The Child Development Project Officer, Purnea (Rural) Baisi, Purnea.
7. The Ward Commissioner-cum-Chairman, Hansda, Purnea.
8. The Ward Commissioner Hansda Panchayat, Ward No. 36, Block - Purnea East, District - Purnea.
9. Smt. Sangita Kumari, Anganbari Sevika, Centre No. 90 A, Musahari Tola, Ward No. 36, Lakhanjhari, Panchayat - Hansda, Purnea (Rural).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Mukund, Adv.
For the Respondent/s	:	Mr. Sunil Kumar Mandal, SC3
		Ms. Neelam Kumari, AC to SC3
		Mr. Arjun Prasad, AC to SC3

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 26-09-2018

Heard learned counsel for the petitioner and counsel for the State as also counsel for the private respondent.

The matter relates to appointment of Anganbari Sevika of Ward No. 36 of Hansada Panchayat, Purnea for Center No.90A, Musahari Tola, Lakhanjhari under Purnea (Rural) which is dominated by the caste of Mahadalit.

The petitioner and the private respondent no. 9 applied for the post and, ultimately, the Aam Sabha selected the respondent



no.9. The petitioner filed an application before the competent authority unsuccessfully and, ultimately, the appeal has been filed before the Divisional Commissioner, Purnea, which is pending consideration since 2014 and, till date, no final decision has been taken by the Commissioner.

The grievance has been raised by the petitioner interlia that the respondent no.9 is not from the caste of Mahadalit but, her husband, namely, Tarun Kumar Das entered into the inter-caste marriage as well as her native place does not fall under the territorial jurisdiction of Bihar so, even if, she may be Mahadalit caste in other State but, she cannot carry the tag of Mahadalit and claim the benefit in the State of Bihar.

Learned counsel for the respondent no.9 has raised the issue that the petitioner will not come under the zone of consideration for appointment of Anganbari Sevika on the ground that the family is solvent and is excluded for consideration for appointment on the post of Anganbari Sevika.

These are the issues will be looked into by the Commissioner as to whether she is really a member of Mahadalit community as the caste is not dependent on the caste of husband rather is decided on the cast of father.



The Commissioner will decide all the issues within a period of three months from the date of receipt/production of a copy of this order.

With the aforementioned observation, this writ application is disposed of.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.09.2018
Transmission Date	

