

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3249 of 2015

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Poonam Kumari W/o Manjay Kumar resident of village- Bhatehari, P.S.- Maner,
District- Patna Petitioner

Versus

1. The State of Bihar through the Director, null Welfare Department, Government of Bihar, Patna
2. The Director, Welfare Department, Government of Bihar, Patna
3. The Commissioner-cum-Secretary, Welfare Department, Government of Bihar, Patna
4. The District Programme Officer, Patna
5. The Child Development Project Officer, Maner, Patna
6. The Deputy Director Welfare, Patna Commissionery, Patna
7. The Mukhiya, Gram Panchayat Raj Baank, P.S. Maner, District- Patna
8. Smt. Sangita Kumari W/o Sri Shailendra Kumar resident of village- Bhatehari, P.O.- Byahpur, P.S.- Maner, District- Patna

..... Respondents

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Appearance :

For the Petitioner	:	Mr. Manoj Kumar, Advocate and Mr. Aditya Narayan Singh-1, Advocate
For the State	:	Mr. Alok Kumar Rahi, AC to GP 21
For respondent no.8	:	Mr. Kumar Kaushik, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 23-07-2018

Heard learned counsel for the petitioner, the State and private respondent no. 8.

The petitioner was 3rd empanelled candidate pursuant to Aam Sabha on 14.9.2012 for selection of Anganbari Sevika at Anganbari Center, Bhatehari, Code no. 97 of Gram Panchayat Baank, Ward no. 7. She has challenged order dated 8.8.2014 (Annexure 9) passed in Anganbari Case No. 5 of 2014 by the District Programme Officer, Patna, whereby her selection has been



found to be illegal. She has also challenged order dated 13.12.2014, passed in Anganbari Appeal No. 114 of 2014 by the Deputy Director Welfare, Patna Division, Patna. Appeal of the petitioner has been rejected under the aforesaid order dated 13.12.2014.

Facts which led to the petitioner's candidature to be found invalid is that her father-in-law was a Ward member of the very same Ward, wherein she was selected and working as Anganbari Sevika.

Learned counsel for the petitioner submits that petitioner's father-in-law had submitted his resignation on 10.2.2012 and as such on 14.9.2012 when the Aam Sabha was conducted she was not disqualified for consideration. He submits that in the circumstances cancellation of petitioner's selection is not in accordance with law.

This Court has gone into the two orders, one dated 8.8.2014, passed by the District Programme Officer as well as the appellate order dated 13.12.2014, passed in Anganbari Appeal No. 114 of 2014.

The entire issue has been examined in detail in light of various documents. Much after submission of resignation dated 10.2.2012, father-in-law of the petitioner issued certificates as a Ward member. The authorities have also considered the list of



representatives prepared by the Block Development Officer, Maner much later to the Aam “Sabha wherein the petitioner’s father-in-law has been shown as a ward member.

In the counter affidavit filed by the State, respondents have also placed on record one application made by the petitioner’s father-in-law which is a reminder dated 6.3.2013 for acceptance of his resignation.

The irresistible conclusion on the basis of the aforesaid documents is that the petitioner continued to be in service much after the Aam Sabha on 14.9.2012 and at least till 6.3.2013 when he had sent a reminder for accepting his resignation. These documents produced by the State authorities as well as by the private respondents now have not been controverted by the petitioner.

In the aforesaid facts and circumstances, this Court does not find any occasion to interfere with the two orders passed by the authorities. The writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.08.2018
Transmission Date	NA

