

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4699 of 2015

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Nirmla Devi W/o Shiv Shankar Sharma, resident of village- Mohania, Gram Panchayat- Mohania, Ward No.- 11, P.S.- Mohania, District- Kaimur (Bhabua).

.... **Petitioner**

Versus

1. The State of Bihar through the Deputy Director, Welfare Department, Patna.
 2. Deputy Director, Welfare Department, Patna.
 3. Collector-cum-District Magistrate, Kaimur (Bhabua).
 4. District Programme Officer, Kaimur, (Bhabua).
 5. Child Development Project Officer, Mohania, Kaimur.
 6. Mukhiya Gram Panchayat Mohania, Ward No.-11, Kaimur (Bhabua).
 7. Secretary, Gram Panchayat Mohania, Ward No.-11, Kaimur (Bhabua).
 8. Kalma Bano wife of Mustaqu Rai, R/o Gram Panchayat Mohania, Ward No.-11, P.S.- Mohania, District-Kaimur (Bhabua).
 9. Sharda Devi wife of Ranjan Kumar Keshri R/o Gram Panchayat Mohania, Ward No.-11, P.S.- Mohania, District-Kaimur (Bhabua) **Respondents**
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Appearance :

For the Petitioner : Mr. BM Mishra, Advocate and
Mr. Aditya Narayan Singh-1
For the State : Mr. Nishant Kr.Jha, AC to SC 28
For respondent no.8 : Mr.Surendra Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 13-08-2018

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

The petitioner has challenged order of the Deputy Director, Welfare, Patna Division, Patna whereby selection of private respondent no. 8 Kalma Bano has been found to be valid. It is submitted that the father-in-law of Kalma Bano was a public representative and that the petitioner was above said Kalma Bano in the merit list. Both these aspects have been considered in detail by the Deputy Director, Welfare in the order impugned by the



petitioner. Claim with respect to the private respondent Kalma Bano, father-in-law being a public representative has been disbelieved inasmuch as the claim was with respect to the third person and not the father-in-law of the private respondent Kalma Bano. As regard other issue raised by the petitioner regarding the petitioner being above Kalma Bano in the merits list, this claim has been turned down because Kalma Bano was belonging to the predominant class and a member of the Minority Community and as such the only eligible candidate. The petitioner was not the member of the Minority Community.

In view of the said findings recorded by the Deputy Director, Welfare, in the impugned order, there is no occasion for this Court to interfere with the findings. The writ petition is dismissed.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

