

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 1990 of 2015

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Usha Devi W/o Ram Kishun Mandal R/o Village - Deep Nagar, Gram Panchayat - Haripur, Block + P.S. - Raghapur, District - Supaul.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Social Welfare, Government of Bihar, Patna.
2. The Director, Directorate of I.C.D.S. Department of Social Welfare, Govt. of Bihar, Patna.
3. The Commissioner, Koshi Division, Saharsa.
4. The District Magistrate, District - Supaul.
5. The Sub Divisional Officer, Birpur, District - Supaul.
6. The Block Development Officer, Raghapur, District - Supaul.
7. The Child Development Project Officer, Block - Raghapur, District - Supaul.
8. The Panchayat Secretary, Gram Panchayat - Haripur, Block - Raghapur, District - Supaul.
9. The Mukhiya, Gram Panchayat - Haripur, Block - Raghapur, District - Supaul.
10. Manju Devi W/o Sri Pramod Mandal R/o Village - Deep Nagar, Gram Panchayat - Haripur, Block + P.S. - Raghapur, District - Supaul.

.... Respondent/s

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For the Petitioner/s	: M/s Amrit Abhijat, Manoj Kr Gupta, Advocates
For the State	: Mr Manoj Kumar, AC to GP IV
For Respondents 8 & 9:	Mr Shivpujan Sahay, Advocate
For Respondent No 9	: Mr Awadhesh Kr Mishra, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 23-07-2018

Heard learned counsel for the petitioner and the respondents.

2 The writ petition has been filed challenging the order dated 26.04.2013 issued by the Commissioner, Koshi Division, Saharsa whereby the revision application bearing Revision (Angan Bari) Appeal Case No 147 of 2012 filed by respondent No 10 has been allowed setting aside the order of the Collector dated 27.03.2012. The Collector, under the order dated 27.03.2012, had directed that proceedings for selection of Angan Bari Sahayika may



be done afresh.

3 In his order, the Collector has considered the various reports of the Block Development Officer, Mukhiya and other local authorities. The findings are specific that the Aam Sabha was originally scheduled for 09.06.2007 at the Primary School, Phulkahi, Deep Nagar. It was found that by beating of drums, the place of Aam Sabha was changed to near Deep Nagar drainage and was to be held on 16.06.2007. The Collector took note of the fact that finally the Aam Sabha was held at a third place for which there was no steps taken to give intimation to all concerned and, accordingly, the instant petitioner was prevented from participating in the Aam Sabha.

4 The Collector has also taken note of the fact that in absence of any finding regarding petitioner's certificates being false/fabricated, mere plea of respondent No 10 has been accepted to oust the petitioner from selection process, though, at best, the same were suspected. It is the clear cut finding of the Collector that other than suspicion raised, there is nothing on the record to conclusively hold invalidity of the certificates submitted by the petitioner.

5 All these issues have been noted by the Commissioner while allowing the revision application filed by respondent No 10, and respondent No 10 has been allowed to continue on the basis of process of selection which, as noticed above, has been done without due notice regarding the place of Aam Sabha. Also without going into the validity of the certificates submitted by



the instant petitioner, merely on basis of suspicion, she has been ousted from the process.

6 In the aforesaid circumstances, this Court would find that the order of the Collector was after due consideration of the facts and, as such, his directions were justified. The proceedings were rightly directed to be held afresh.

7 The order of the Commissioner dated 26.04.2013, on the other hand, is without having due regard to the facts and circumstances and merely on the basis of suspicion regarding genuineness of the petitioner's caste certificate and the fact that first change of place was notified by beating of drums. The conclusion has been arrived without considering the fact that the Aam Sabha was not conducted at the place notified by beating of drums but has been held at a third place without any notification whatsoever, depriving the petitioner opportunity to participate/appear.

8 In the facts and circumstances, the order dated 26.04.2013 passed by the Commissioner in Revision (Angan Bari) Appeal Case No 147 of 2012 is hereby quashed.

9 Writ petition is allowed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.07.2018
Transmission Date	NA

