

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16630 of 2008

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Shashi Devi, wife of Dinesh Prasad Singh, resident of Village Gwaltoli, Dahgaon,
P.O. Bhatabari, P.S. Bahadurganj, District Kishanganj

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Welfare Department, Bihar, Patna
2. The District Magistrate, Kishanganj, District Kishanganj
3. The District Welfare Officer, Kishanganj, District Kishanganj
4. Child Development Project Officer, Bahadurganj, District Kishanganj
5. Incharge Officer, I.C.D.S., Kishanganj, District Kishanganj
6. Mukhiya, Gram Panchayat, Jhingakata, Block Bahadurganj, District Kishanganj
7. Panchayat Sachiv, Jhinga Kanta, Gram Panchayat, Block Bahadurganj, District Kishanganj
8. Block Development Officer, Bahadurganj Block, P.S. Bahadurganj, District Kishanganj
9. Sarbari Begum, wife of Rafique Alam, resident of Gwaltoli, P.S. Bahadurganj, District kishanganj

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Durga Nand Jha,
For the State : Mr. Alok Kumar Rahi, AC to GP 21
For the Respondent : Mr. Shailendra Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 28-03-2018

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

The grievance has been raised by the petitioner that she was appointed by the Aam Sabha which was conducted on 21.2.2007 (Annexure-4) and she was appointed on account of the fact that about 144 persons of the village had made complaint against Sarbari Begum (respondent no.9) that she had submitted wrong certificate showing her age as 20 years whereas her son is 19 years and as such she should not be appointed. Taking cognizance of the complaint, Aam Sabha appointed the petitioner



as Angawari Sevika. Against that the respondent no.9 raised her grievance and the District Magistrate vide memo no.438 dated 29.6.2007 recorded constitution of two men committee to verify the statement of age of Sarbari Begum (respondent no.9) and her son, and it appears from the order dated 8.7.2007 wherein mentioned direction of the District Magistrate dated 24.7.2007 whereby has directed to remove the petitioner and appoint respondent no.9. In pursuance thereof the CDPO vide letter no.96 dated 5.4.2008 (Annexure-1) appointed respondent no.9 and thereby removed the present petitioner.

On the last occasion this Court had directed the State to produce the order passed by the Collector whereby he had directed for removal of the petitioner and appointment of respondent no.9 as well as report of the committee but neither the two men committee report has been made available on record nor the order which has been passed by the Collector has been placed for consideration before this Court. After the order for production of the report the District Magistrate has constituted an enquiry committee and enquiry committee submitted the report before the Collector.

In such view of the matter, the earlier report is not on record as well as there is no order of the Collector to reflect that he has passed the order giving direction for appointment of respondent no.9.



In such circumstances, this Court remands back the matter to the Collector, Kishanganj. The District Magistrate will constitute a fresh committee to hold enquiry in presence of both parties, will submit the report on the age of Sarbari Begum vis-à-vis her son will give clear cut finding about the age of Sarbari Begum and her son and will also examine as to whether the boy is her son or other. The Collector will take decision on the basis of report which has been submitted before him and after giving hearing to both sides will pass a reasoned order. If any person feels aggrieved he will be at liberty to approach to appropriate forum.

This Court is not quashing the order of appointment of respondent no.9 but her appointment will be subject to the order passed by the Collector. Whole process should be completed within a period of four months from the date of receipt/production of a copy of this order.

With the aforesaid observation and direction this writ petition is disposed of.

Vinay/-

(Shivaji Pandey, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.4.2018
Transmission Date	NA

