

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4538 of 2019

=====

Nirmala Kumari, Wife of Sri Jitendra Kumar, R/o Village Dharampur, P.S. Sarmera, District Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate Nalanda
2. The District Magistrate Nalanda
3. The Sub Divisional Officer Biharsharif, Block Sarmera, District Nalanda
4. The Child Development Project Officer Block Sarmera, District Nalanda, Biharsharif
5. The District Programme Officer Block Sarmera, District Nalanda, Biharsharif
6. The Circle Officer Block Sarmera, District Nalanda, Biharsharif
7. Gudiya Kumari Wife of Mungeri Paswan R/o Village Dharmpur, Ward No. 14, P.S. Sarmera, District Nalanda

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Nishant Kumar Jha, Advocate
For the Respondent/s : Mr. Prasant Pratap (Gp2)

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 26-03-2019

Heard the learned counsel for the petitioner and the State.

2. The petitioner has challenged the order dated 19.01.2019 contained in Letter No. 12 passed by the Child Development Project Officer (respondent no. 4) whereby the petitioner has been declared ineligible for being considered for the post of Aanganwari Sewika in Sasaur Panchayat in the district of Nalanda as well as the order dated 11.06.2018 contained in Memo No. 521 passed by the Circle Officer, Sarmera in the district of Nalanda



whereby the residential and caste certificate, originally issued by the Circle Officer, Block Sarmera, District Nalanda, Bihar Sharif (respondent no. 6) has been cancelled.

3. Learned counsel for the petitioner has submitted that the residential certificate as well as the caste certificate issued by respondent no. 6 has been cancelled on the sole ground of such certificates having been obtained prior to the marriage of the petitioner with one Jitendra Kumar. Learned counsel for the petitioner has submitted that only on the basis of the aforesaid cancellation of the residential and caste certificates, the Child Development Project Officer (respondent no. 4) has declared the petitioner to be ineligible for being considered for being appointed as Aanganwari Sewika in the concerned Panchayat. Learned counsel for the petitioner has submitted that before the Circle Officer could have cancelled the caste and residential certificate, it was mandatory for him to have issued notice to the petitioner and sought his response.

4. The petitioner denies the factual statement that such certificate was obtained prior to her marriage with aforesaid Jitendra Kumar. In support of the aforesaid contention, certain documents have been brought on record to indicate that only after the marriage of the



petitioner with Jitendra Kumar, such certificates were obtained.

5. In any view of the matter, without noticing the petitioner, the Circle Officer was highly unjustified in canceling the certificates which was issued by him and it was also unlawful for the Child Development Project Officer (respondent no. 4) to have relied upon such cancellation order for declaring the petitioner to be ineligible for being considered for appointment.

6. Since the petitioner has challenged the aforesaid orders before the District Programme Officer, Block Sarmera, District Nalanda, Bihar Sharif (respondent no. 5), this Court deems it appropriate to direct the respondent no. 5 to dispose of the representation/complaint of the petitioner at the earliest.

7. For facilitating the District Programme Officer, Block Sarmera, District Nalanda, Bihar Sharif (respondent no. 5), the petitioner is directed to make a fresh complaint/representation before respondent no. 5 within a period of two weeks from today. On receipt of such representation/complaint, the respondent no. 5 shall look into the matter and afford hearing to all the concerned stakeholders and shall pass a reasoned order in accordance with law within a further period of six weeks thereafter.



8. With the aforesaid direction/observation, the writ petition is disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.03.2019
Transmission Date	

