

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6416 of 2015

Samendu Devi Wife of- Om Prakash Singh, Resident of Village- Neuri
Paschim tola, P.S.- Barauli, District- Gopalganj,

... .. Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The Director I.C.D.S, Govt. of Bihar, Patna.
4. The Dy. Director Walfare, Saran Division at Chapra.
5. The District Magistrate, Gopalganj.
6. The District Programme Officer, ICDS Gopalganj.
7. The Sub Divisional Officer, Gopalganj.
8. The Child Development Project Officer, Barauli, Gopalganj.
9. The Circle Officer, Barauli.
10. Neetu Devi, Wife of Vishwamohan Pratap Singh @ Buchun Singh,
Anganbari Sevika, Additional Anganbari Centre, Neuri
11. Rajesh Kumar Singh, Son of - Kashinath Singh, Presently posted as Niyojit
Teacher, Middle School, P.O + P.S- Barauli, Di
12. The Mukhiya Gram Panchayat Raj, Sareyan Narendra, Block- Barauli,
District- Gopalganj.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Anuj Kumar
For Respondent No. 10	:	Mr. Harendra Prasad
For the State	:	Mr. S.K.Mandal, SC 3, Mr. Bipin Kumar aqnd Mr. Ravi Ranjan Kumar Singh, AC to Sc 3

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 26-03-2019 Heard learned Counsel for the petitioner and the

learned Counsel for the respondent State.

It is petitioner's claim that in the process of



selection for Anganwari Sevika for Center at Neori West Tola respondent No. 10 has obtained selection claiming to be wife of Rajesh Kumar Singh. He submits that various government and official documents were considered in the report submitted by SDO Gopalganj dated 23.12.2011, on the basis of which he had found that actually respondent no. 10 was wife of Bishwamohan Singh and had wrongly claimed to be wife of Rajesh Kumar Singh.

The claim of the petitioner was based on electoral roll, school register of children of respondent No. 10 and other documents of the year 2011. The Aam Sabha of the selection was conducted on 21.9.2011.

Petitioner is aggrieved by rejection of her challenge to the candidature of respondent No. 10 on the basis of irrelevant documents such as affidavit sworn by respondent No. 10 much subsequent to the selection process in the year 2014. Referring to the order passed by Deputy Director, Welfare, Saran Division, dated 2.1.2015, it is submitted that all the documents which have been relied upon to sustain the claim of respondent No. 10 have come into existence subsequent to the selection process, and could not be made basis of upholding candidature/selection of respondent No. 10.



On going through the order passed by the Deputy Director, Welfare, dated 2.11.2015 this Court would notice with approval, specific stand taken by Government Counsel in the said proceeding that an enquiry should be conducted by a competent authority to ascertain veracity of the rival claim with reference to contemporaneous documents, on which basis respondent no. 10 was selected.

The stand of Government Counsel taken in the proceeding appears to be correct. The issue requires consideration with reference to contemporaneous documents and records as they existed at the time of Aam Sabha.

Let the issue be reexamined by the Deputy Director, Welfare. The matter is remitted for reconsideration. Both parties would appear before the Deputy Director Welfare with their documents in support of their claims. The disputed issue of fact is to be resolved by respondent No. 4. The parties agree that they will appear before respondent No. 4 on 22.4.2019 along with their documents in support of their claim. It is expected that respondent no. 4 should take a final decision in light of the observations contained in the instant order as issue has to be seen whether respondent No. 10 was a valid candidate in terms of her claim on the basis of documents which were submitted at



the time of Aam Sabha. Let final decision be taken by
respondent No. 4 within three months from 22.4.2019.

The writ petition stands disposed of.

(Madhuresh Prasad, J)

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