

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 7190 of 2015

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Maya Kumari, Wife of Shri Mrityunjay Kumar Singh, Resident of Village and Post - Sonegarhwa, Block and Anchal - Fulwaria, Police Station- Fulwaria, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, Patna
2. The Director, Integrated Child Development Scheme (ICDS), Bihar, Patna.
3. The Deputy Director, Welfare Department, Saran Division, Chapra.
4. The District Magistrate, Gopalganj.
5. The District Programme Officer, Gopalganj.
6. The Child Development Project Officer, Fulwaria Block, District - Gopalganj.
7. Punam Kumari, Wife of Shri Anil Singh, Resident of Village and Post - Sonegarhwa, Block and Anchal - Fulwaria, Police Station - Fulwaria, District - Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Raghav Prasad, Advocate
For the Respondent/s	:	Mr Nadeem Seraj, GP V with Ms Shalini, AC to GP V

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 23-04-2019

Heard learned counsel for the petitioner and the respondent-State.

2 Petitioner, along with others, participated for selection as Angan Bari Sevika for Center No 12 in Gram Pachayat Raj Bairagi Tola, Village – Sonegarhwa, Block – Phulwaria in the district of Gopalganj.



3 Submission on behalf of the petitioner is two fold, one that her claim being handicap has been ignored by the authorities at the time of selection; and the other that selection of respondent No 7 was vitiated on account of forged certificates.

4 The District Programme Officer has considered the plea raised by the petitioner regarding her candidature against the physically handicap category in his order dated 31.01.2014. The District Programme Officer has taken note of the fact that the petitioner had produced a handicap certificate dated 22.09.2006 issued by the office of Civil Surgeon -cum- Chief Medical Officer, Gopalganj. The same was not considered by the Aam Sabha. Later, before the District Programme Officer, the same has been considered and it was found that it certifies the petitioner having 45% handicap. The said percentage was 5% in excess of the maximum permissible handicap for applying for selection as Angan Bari Sevika. Under the Scheme, those, having handicap more than 45%, could not be considered for selection having regard to the nature of duty required to be performed under the Scheme.

5 Petitioner's counsel has placed reliance on one handicap certificate dated 25.02.2014 to show that she was clinically and physically fit. The said certificate was issued much



after selection in question. Otherwise also, the certificate dated 22.09.2006 issued by the office of the Civil Surgeon -cum- Chief Medical Officer, Gopalganj was relied upon by the petitioner for consideration of her claim. The petitioner, in terms of her own handicap certificate, was disqualified and, therefore, has rightly not been selected. The issue has been examined in detail and does not merit any interference by this Court.

6 Writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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