

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 12869 of 2014

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Renu Devi, aged about 32 years, wife of Manoj Giri, Resident of Village-Reganiyadih, P.O.- Jarkha, P.S.- Sigori, Prakhand- Paliganj, District- Patna, Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Social Welfare, Govt. of Bihar, Old Secretariat, Bailey Road, Patna
2. The Commissioner, Patna Division, Patna
3. The Director, I.C.D.S., Indira Bhawan, Ramcharitra Singh Path Bailey Road, Patna- 1
4. The Deputy Director, Welfare Department, Patna Division, Patna (Patna Commissioner's office)
5. The District Magistrate, Patna, District- Patna
6. The District Programme Officer, Patna, District- Patna
7. The Child Development Project Officer, Paliganj Block, District- Patna
8. Smt. Nitu Kumari, wife of Sri Subhash Giri, Resident of Village-Reganiyadih, P.O.- Jerkha, P.S.- Sigori Block- Paliganj, District- Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Dilip Kumar, Advocate
For the Respondent/s	:	Mr N P Yadav, SC XXIII
		Ms Vijaya Laxmi Srivastava, AC to SC XXIII

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 02-07-2019

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

2 Petitioner has challenged the order of the Deputy Director, Welfare, Patna division dated 30.05.2014 by which the order of the District Programme Officer, Patna dated 06.02.2014 has been set aside. The District Programme Officer, Patna, under



order dated 06.02.2014, has directed for cancellation of selection of respondent No 8 as Angan Bari Sevika for Center No 215 in Village – Regniyadih, Block – Paliganj of Patna district. The District Programme Officer has directed that the petitioner be declared selected in place of respondent No 8.

3 The petitioner was beneficiary of the order dated 06.02.2014 issued by the District Programme Officer. The District Programme Officer has relied upon the fact that the petitioner was having higher marks being 53.89% and the selection of respondent No 8, having 50.06%, was unsustainable. The District Programme Officer has also considered the provisions contained in Clause 4.7 of the Angan Bari Selection Guidelines and, relying upon the same, has directed that the petitioner be declared selected even though she is, admittedly, not a daughter-in-law of the area for which the selection has been made.

4 The Deputy Director, Welfare has set aside the said order and upheld the selection of respondent No 8. On examining the various documents and details on record, the Deputy Director, Welfare has arrived at the finding that neither petitioner's husband nor her father-in-law are residents of the area for which the Center in question was created and, as such, she was not entitled to be considered for selection having regard to the provisions contained



in the Guidelines which required selection of the female who was a daughter-in-law of the area for which the selection was done. The petitioner's counsel relies upon the exception in Clause 4.7 in the Guidelines which enables selection of daughter of the area also.

5 The exception, which has been relied upon by the petitioner's counsel is based on fulfillment of requisite qualification. The daughter of the area has to produce residential certificate of the Circle Officer granted not more than six months prior to the selection. That is one of the mandatory requirements. The residential certificate produced by the petitioner before the District Programme Officer is of July, 2012. The selection has been done in July, 2013. The said residential certificate is much prior to six months. The petitioner, therefore, cannot claim benefit under Clause 4.7 of the Guidelines.

6 Claim of the petitioner 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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