

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 12453 of 2014

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Nirmala Kumari, Wife of Sunil Kumar, Resident of Village - Khauna, P.S. -
Hulasganj, District - Jehanabad.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Welfare, Old Secretariat, Bihar,
Patna.
3. The Divisional Commissioner, Magadh Division, Gaya.
4. The Deputy Director, Welfare, Magadh Division, Gaya.
5. The Collector, Jehanabad.
6. The District Programme Officer, Jehanabad.
7. The District Welfare Officer, Jehanabad.
8. The Additional Collector, Naxal, Jehanabad.
9. The Block Development Officer, Hulasganj, District - Jehanabad.
10. The Child Development Project Officer, Hulasganj, District - Jehanabad.
11. Babita Kumari, Wife of Sunil Kumar, resident of village Gambhir Ganj
Police Station - Hulasganj, District - Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Sanjay Kumar, Advocate
For the S t a t e	:	Mr Kunal Tiwary, AC to GA II
For Respondent No 11	:	Mr. Rama Kant Sharma, Sr Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 22-04-2019

Writ petition had been filed without challenging the order dated 28.07.2009 of the District Programme Officer. Interlocutory Application No 1 of 2019 has been filed seeking amendment in the prayer of the writ petition to incorporate the prayer for quashing the order contained in Memo No 321 dated



28.07.2009 issued by the District Programme Officer, Jehanabad in Case No 3 of 2009 whereby and where under petitioner's selection as Angan Bari Sevika has been cancelled.

2 IA No 1 of 2019 is allowed and the amendment, as prayed, is granted without any objection.

3 Heard learned counsel for the petitioner, respondent-State as well as the private respondent.

4 The petitioner has challenged cancellation of her selection as Angan Bari Sevika from the Center in question.

5 Respondents have appeared and supported the cancellation by assigning a reason that the Aam Sabha, wherein the petitioner was selected, was conducted in absence of the Child Development Project Officer and that the number of beneficiaries in the service area was not ascertained prior to selection of petitioner.

6 Learned counsel for the petitioner submits that from the orders passed by the Authority, it is apparent that the population of Scheduled Caste for the Center in question was 300, population of Extremely Backward Class was 150, population of Backward Class was 250 and population of General Class was 400. It is submitted by the petitioner's counsel that the petitioner, being Member of the General Class, was of the predominant class



in the area and, therefore, her selection was rightly done by the Aam Sabha. The Authorities in the order have considered this aspect of the matter but have also considered the fact that out of the total population in the area, the number of beneficiaries of the various classes have not been ascertained prior to the selection of the petitioner and, therefore, on account thereof, the selection based on total population without ascertaining actual population of beneficiaries was incorrect.

7 Petitioner's counsel submits that the number of beneficiaries is not relevant in terms of the Circular dated 25.09.2001 issued by the Social Welfare Department, Government of Bihar. This Court has gone through the said Circular. The said Circular clearly contemplates that the selection is to be done from the predominant class based on population of beneficiaries.

8 In view of such situation, selection of a candidate on the basis of predominance of caste or class without ascertaining the number of beneficiaries, i e, actual population below poverty line within the various castes/class cannot be sustained and would defeat the very purpose of social welfare sought to be achieved by the Integrated Child Development Scheme through establishment of Angan Bari Centre. Selection of the petitioner has rightly been cancelled.



9 It is also worth noticing that subsequent upon the petitioner's cancellation, Center in question has been bifurcated into two Centres, namely Gambhirganj and Keoor. The entire population including number of beneficiaries for the area in question has since undergone drastic change. Petitioner, due to this development, also cannot be permitted to rely upon earlier population of various castes in the unified service area for one Angan Bari Centre.

10 In the circumstances, the writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.04.2019
Transmission Date	NA

