

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 2070 of 2016

Manjula Jha, Daughter of Late Devanand Jha, resident of Village - Lahta,
Gram Panchayat Raj - Lahta Tumaul Suhat, P.S. - Manigachhi, District-
Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Social Welfare Department, Government of Bihar, Patna.
3. The Deputy Director, Welfare, Darbhanga Division, Darbhanga.
4. The District Program Officer, Darbhanga.
5. The Circle Officer -Cum- Block Development Officer, Manigachhi Block, Darbhanga.
6. The Child Development Project Officer, Manigachhi, Darbhanga.
7. The Child Development Project Officer, Tardih, Darbhanga.
8. The Mukhiya, Lahta, Tumaul Suhath, under the Block Tardih, Darbhanga.
9. Rinku Kumari, W/o Uday Kumar Jha, resident of Village and Post Office-
Lahta, Ward No. -10, District - Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr Sunil Kumar Ravi, Advocate
For the S t a t e	:	Mr Vinay Kr Mishra, AC to AAG XV
For Respondent No 9	:	Mr Durga Nand Jha, Advocate

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 21-11-2019

Heard learned counsel for the petitioner, State and
Private Respondent No 9.

2 Petitioner has filed this writ petition assailing her
removal from functioning as Angan Bari Sevika at Center No 95,
Tardih in the district of Darbhanga. The order has been passed by



the Authorities competent under the Guidelines. Respondent No 9 came to be selected after cancellation of petitioner's selection.

3 It is submitted by the learned counsel for respondent No 9 that the issue regarding the petitioner being absent on one day becomes irrelevant in view of the fact that the petitioner was not qualified for being selected as she was not even major at the time she was selected as Sevika for the Center in question in the year, 1975. The learned counsel for the petitioner, however, submits that no minimum age was prescribed then. It is her specific stand in the rejoinder that she had been selected when she was aged 15 years and one month approximately. It is submitted in the rejoinder that neither Circle Officer nor Block Development Officer objected to the selection of the petitioner and, as such, there was no infirmity in the petitioner's selection. It is also submitted that the punishment of cancellation of selection on account of one day's absence is grossly disproportionate and excessive to the charge.

4 The petitioner's counsel has also submitted that respondent No 9 also has been selected illegally and there is sufficient material on record to show that respondent No 9 was not competent or that the procedure, adopted for her selection, was



contrary to the mandate of the Guidelines under which the selection was done.

5 Such collateral issues, being raised by the petitioner in the instant proceedings, can very well be raised before the Authorities competent under the Guidelines for examining whether respondent No 9 was selected in accordance with the Guidelines or not.

6 In view of the petitioner's admission that her selection was at the age of 15 years, i e, below majority, this Court is not inclined to exercise jurisdiction in favour of the petitioner for reviving such selection which was done at a time when she was a minor and just 15 years old.

7 As regards the challenge to selection of respondent No 9, this Court would observe that it will be open for the petitioner to avail the remedies under the Guidelines in accordance with law.

8 Some honorarium is also said to be due to the petitioner, as stated in the writ petition from February, 2012 to June, 2012. Learned counsel for the petitioner points out that the dues, on account of honorarium, stand admitted in view of the statements made in paragraph 13 of the counter affidavit filed on behalf of respondent No 7.



9 In view of the said position, this Court would direct that the due and admissible amount of arrears of honorarium be paid to the petitioner by respondent No 4 expeditiously, without undue delay and preferably within eight weeks from the date of receipt/production of a copy of this order.

10 Writ petition stands dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.12.2019
Transmission Date	NA

