

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14969 of 2014

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Nikhath Parween wife of Md. Umar, Resident of village- Muskipur, P.O. and
P.S. Gogri Jamalpur, District- Khagaria

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Deputy Director, Department of Welfare, Munger Commissionery,
Munger
3. The District Magistrate, Khagaria
4. The District Programme Officer, Khagaria
5. The B.D.O. Gogri Jamalpur, Khagaria
6. The C.D.P.O. Gogri Jamalpur, Khagaria
7. The C.D.P.O. Beldaur, Khagaria
8. The Mukhiya, Muskipur Gram Panchayat Gogri Block, District- Khagaria
9. Mohsina Khatoon wife of Md. Razi Ahmad, Resident of village- Muskipur,
Ward No. 13, P.O. and P.S. Gogri Jamalpur, District- Khagaria

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar, Advocate
For the Respondent/s : Mr.Ashok Kumar Keshri,AAG-11

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 15-10-2019

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

2. The instant writ petition has been filed for quashing the
order dated 14.07.2014 in Case No. 69 of 2013 passed by the
Appellate Authority setting aside the order dated 21.10.2013
passed by the District Programme Officer in favour of the
petitioner in Case No. 50 of 2013-14.

3. The factual matrix of the instant case is that the



petitioner and respondent no.9 had participated in the process of selection of *Aaganbari Sevika* for the center in -question in village *Panchayat-* Muskipur. The instant petitioner was having the highest marks and had been awarded 80.3% in the process of selection. The respondent no.9 was having only 77.6%.

4. The petitioner, therefore, approached the District Programme Officer with a grievance that being the first in terms of merit, she ought to have been selected. Accordingly, the selection of respondent no.9 was assailed by the petitioner before the District Programme Officer. The District Programme Officer has taken into consideration the fact that the petitioner's name figures in the *Gram Panchayat-* Muskipur. Since the petitioner was found to be a resident of Muskipur on the strength of documents produced before the District Programme Officer a direction was issued by the District Programme Officer to offer selection letter and select the petitioner and cancel the selection of respondent no.9.

5. The order of the District Programme Officer has been assailed by respondent No.-9 in appeal. The Appellate Order is dated 14.07.2014 passed by the Appellate Authority i.e. Deputy Director, Welfare, Munger Division. The Deputy Director, Welfare has taken note of certain facts which were also taken



note of by the District Programme Officer but, were not considered while arriving at a conclusion regarding the petitioner's eligibility for participating in the selection process for the Center in-question.

6. The petitioner's name was found to be figuring in the Electoral Roll for Sadar Block, Munger in the year 2012. The petitioner's name was also found in the Electoral Roll of *Gram Panchayat* Jhikatiya at Sl. No.21. The petitioner's name also figuring in *Gram Panchayat*- Muskipur at serial No. 204, i.e. where the Center in-question was located. The petitioner's name was simultaneously appearing in Electoral Roll of three different places. This aspect of the matter was taken note of by the District Programme Officer but, was not considered while arriving at his conclusion regarding the petitioner's eligibility.

7. The Deputy Director, Welfare, has taken note of the aforesaid facts. The petitioner's name was simultaneously appearing in three different Electoral Rolls and that there were varying documents in respect of the petitioner's residence at all these three places. Appellate Authority has, thus, rightly come to a conclusion that the petitioner cannot be permitted to be selected for the Center in-question as there was no basis for the District Programme Officer to arrive at a conclusion of the



petitioner being a resident of Gram Panchayat Muskipur, and not the other two places, i.e. Sadar Block Munger and Gram Panchayat Jhikatiya where also petitioner's name was figuring in the Electoral Rolls. The order of the Appellate Authority does not require any interference.

8. The writ petition is devoid of merit and the same is, accordingly, dismissed.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	18.10.2019
Transmission Date	

