

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.163 of 2017
In
Civil Writ Jurisdiction Case No.10595 of 2014

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Rita Kumari W/o Vijay Kumar, Resident of Village Ramraichak, P.S.
Fatehpur, District Gaya. Appellant/s

Versus

1. The State Of Bihar
2. The Deputy Director, Welfare, Magadh Commissioner, Gaya.
3. The District Magistrate, Gaya.
4. The District Programme Officer, Gaya.
5. The Child Development Programme Officer, Fatehpur, District- Gaya.
6. The Anchal Adhikari, Fatehpur, Gaya.
7. The Mukhiya, Fatehpur Gram Panchayat, Fatehpur, District- Gaya.
8. Rinki Kumari, W/o Vikash Kumar, Resident of Village Ram Rai Chak, P.S.
Fatehpur, District Gaya.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Anil Kumar, Advocate
For the State	:	Mr. Manish Kumar, AC to AAG 6
For respondent no. 7	:	Mr. Siyaram Sahi, Advocate
		Mr. Manoj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

Date : 14-10-2019

Heard learned counsel for the appellant, the State and the
private respondent no 8.

The appellant was a candidate for appointment as
Anganbari Sevika of center no. 5, Ram Rai Chak falling under
the Fatehpur Panchayat in Gaya District. The appellant as well



as the respondent no. 8 applied for the same and ultimately respondent no. 8 was appointed as Anganbari Sevika. A complaint was filed before the Collector, the respondent no. 3 on the ground that no Aam Sabha was conducted as well as the father of the respondent no. 8 was a PDS dealer. The Collector, by order dated 03.11.2012 in Anganbari Case No. 20 of 2012 considering that there is no mention of disqualification of relatives of PDS Dealer and vendor of Kerosene Oil in Clause 3(Anga) of the guidelines, has rejected the complaint of the appellant. The order dated 03.11.2012 was challenged before the respondent no. 2, the Deputy Director, Welfare, Magadh Division, Gaya and by order dated 14.03.2014 in Anganbari Appeal No. 359 of 2012 the Deputy Director, Welfare has affirmed the order of the Collector dated 03.11.2012 in which as per the allegation of appellant he has framed four issues : (i) whether Aam Sabha was conducted on 28.08.2009 (ii) whether Prabhu Prasad Yadav is father of the husband of the private respondent no. 8 or Upendra Prasad (iii) whether the father of the respondent no. 8 was a PDS dealer (iii) whether the father-in-law of the respondent no. 8 was a government employee. The appellate authority in its order noticed that the Collector in his order considered that the name of son of Upendra Prasad is



Vikash Kumar and from the geneological certificate as well as voter list it is clear that Upendra Prasad is father-in-law of the respondent no. 8. Father of the respondent no. 8 is a PDS dealer in Nawada District and not in Gaya District and that the allegation that the father-in-law of the respondent no. 8 is a government employee is not established on account of fact that the appellant failed to prove that Prabhu Prasad Yadav was father of husband of respondent no. 8.

During argument counsel for the appellant has tried to convince us that Pyush Kumar is the husband of respondent no. 8 and the name of the father of the husband of respondent no. 8 is Prabhu Prasad Yadav. But the respondent no. 8 has pressed in service the certificate issued by the BDO wherein it has been shown that the name of the father of husband of respondent no. 8 is Upendra Prasad and not Prabhu Prasad Yadav. Counsel for the appellant submits that a wrong information was given by the BDO and in fact Upendra Prasad Yadav is not the father-in-law of the respondent no. 8. The same cannot be examined in the present proceedings.

We do not find any error in the order of the two authorities in rejecting the claim of the appellant. Admittedly the respondent no. 8 has secured higher marks than the appellant.



This Court finds no merit in the appeal. The same is rejected. The order of learned single Judge is affirmed.

(Shivaji Pandey, J)

(Partha Sarthy, J)

Prakash/-

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