

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.465 of 2018

In
Civil Writ Jurisdiction Case No.9769 of 2015

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Kalpana Bhaskar W/o Sri Dani Lal Kunwar, Resident of Village - Buchauli,
Police Station - Kusheshwar Asthan, District - Darbhanga.

... .. Appellant/s

Versus

1. The State of Bihar represented through the Commissioner-cum-Secretary,
Department of Social and Welfare, Government of Bihar, Patna.
2. The Director, Directorate of Integrated Child Development Scheme, Bihar,
Patna.
3. The Deputy Director Welfare, Darbhanga Division, Darbhanga.
4. The District Magistrate, Darbhanga.
5. The District Programme Officer, Darbhanga.
6. The Child Development Project Officer, Kusheshwar Asthan, Darbhanga.
7. The Neeka Devi, W/o Sri Jitendra Kumar Rai, Resident of Village -
Gopalpur, P.O. Bargaon, Police Station - Kusheshwar Asthan, District -
Darbhanga.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ranjit Kumar Yadav, Adv.

Mr. Surya Nilambri, Adv.

For the Respondent/s : Mr.Gyan Prakash Ojha -GA7

Mr. Gopal Krishna, AC to GA7

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

Date : 25-02-2020

Heard learned counsel for the appellant and counsel
for the State.

In this case, the matter relates to appointment of
Anganbari Sevika.



The appellant has failed to succeed in the writ application on two grounds, firstly, she has 35% hearing impairment, will not be disability and, secondly, the desertion certificate, which carries the weightage of 7 points, has been denied.

The person having 35% of impairment will not be treated to be disabled and, at least, the minimum requirement is 40% disability for being declared physical disability for getting additional marks. So, the appellant does not come under the zone of disabled person. So far, the desertion certificate is concerned, from the records, it appears that the same was issued by the elder brother of the husband of the appellant i.e. her Vaisur who was, at the relevant time, was the Mukhia. Later on, when fresh election was conducted, the other person was elected as Mukhia, has given certificate that the appellant is living with her husband is not a deserted lady. This Court has asked the counsel for the appellant whether any application under Section 125 Cr.P.C. was filed, whether any application for restitution of conjugal right was filed by the husband or the wife or as to whether any divorce petition was filed either by the wife or by the husband and the answer has been given in negative.



In view of the fact that the elder brother of the husband was has given the certificate was Mukhia at the relevant time, later on, the new Mukhia has given different certificate wherein mentiioned that the appellant has been residing along with her husband and another fact has been brought by the appellant that respondent no.7 is no longer holding the post, it will be treated to be a fresh vacancy and same will be filled up by new recruitment process. Let the State should start the process for fresh recruitment of Anganwari Sevika.

The appellant will be at liberty to participate in the fresh recruitment.

With the aforementioned observation, this appeal is disposed of.

(Shivaji Pandey, J)

(Anjani Kumar Sharan, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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