

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20674 of 2019

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Ruqaiya @ Rukaya Khatoon, W/o Mahboob Alam, D/o Nasruddin Gadi,
Resident of Village- Ward No. 05, Kamta Rajpur, Panchayat Bajara Prakhand
Gaunaha, Distt.- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Social Welfare Department, Bihar, Patna
2. The Additional Chief Secretary, Social Welfare Department, Bihar, Patna
3. The Director I.C.D.S., Director, Bihar, Patna
4. The District Magistrate, Bettiah at West Champaran
5. The Sub Divisional Officer, Narkatiaganj, West Champaran
6. The District Programme Officer, Bettiah, West Champaran
7. The Block Development Officer, Gaunaha, West Champaran
8. The Child Development Project Officer, Block Gaunaha, Distt.- West Champaran

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr.Ram Kishun Prasad, Advocate
For the State	:	Dr.Md.Raisul Haque, S.C.-10
		Mr. Md. Obaidullah, AC to S.C.-10

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL JUDGMENT

Date : 08-01-2020

Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

2. The petitioner has come to this Court making
a prayer for staying the selection process of Anganbari
Sevika for Ward No.05 of Village-Kamta Rajpura,
Panchayat-Bajara under District-West Champaran and,
further, for a direction to the respondents to consider the



Centre of the petitioner to be dominated by the Backward Class.

3. Learned counsel for the petitioner submits that the petitioner is a resident of Ward No.05 of Village Kamta Rajpura, and the resident of the said Ward has submitted an application before the Block Development Officer, Gaunaha, West Champaran for modification in the electoral roll on 04.07.2019 and certain residents have again submitted an application before the Sub-Divisional Officer, Narkatiaganj, West Champaran for defective survey of population of Ward No.05 on 04.06.2019. However, despite repeated such requests, the selections are proceeding on the basis of defective survey of population of Ward No.5 showing dominant caste of Most Backward Class in place of Backward Class Categories.

4. It is further submitted that the lady Supervisor Nita Kumari has submitted a report on 07.08.2019 to the Child Development Project Officer, Gaunaha, West Champaran with regard to caste configuration of Ward No.05, but the same is not taken note of on account of faulty enquiry report held earlier. He thus submits that it was prejudicing the selection process of Anganbari Sevikas and



Sevikas in Ward No.05 as after meeting of the Aam Sabha of Ward No.5 showing the quota of Most Backward Class in place of Backward Class, the authorities are proceeding to make the necessary selection. He thus prays that unless and until the aforementioned position is rectified, it would occasion miscarriage of justice and the selection process would inevitably be vitiated. He thus confines this writ petition with a limited prayer that the representation of the petitioner, which has been filed by her on 10.09.2019, be given due consideration before concluding the selection process.

5. Having considered the entire facts and circumstances of the case and after hearing the learned counsel appearing on behalf of the State, it appears that there is some confusion with regard to dominant caste as has been stated in the report (Annexure 4) of the lady Supervisor Nita Kumari. It is thus directed that the authority being the District Programme Officer, Bettiah, West Champaran (Respondent No.6) shall duly consider the representation of the petitioner in the light of the report as stated herein above and shall pass necessary orders on the representation and also be guided by the proper report as submitted by the lady



Supervisor. The said consideration shall be made within a period of four weeks from the date of receipt/production of a copy of this order.

6. With the aforementioned observations and directions, the writ application stands disposed of.

(Anjana Mishra, J)

PNM

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	
Transmission Date	N.A.

