

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16531 of 2018

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Asha Kumari, W/o Guddu Kumar, Resident of Village- Bahorma, P.S. Neemchak Bathani, District- Gaya, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar, Patna
2. The Director, Directorate of Integrated Child Development Services, (ICDS) Social Welfare Deptt., Bihar, Patna
3. The District Magistrate, Gaya.
4. The District Programme Officer, ICDS, Gaya.
5. The Child Development Project Officer, Atri, Gaya.
6. Vibha Kumari, W/o Rajesh Kumar, R/o Village- Bahorma, P.S. Neemchak Bathani, District Gaya, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Brijeshwar Narayan Singh, Advocate
For the Respondent/s	:	Mr. S.K. Mandal, SC-3
		Mr. Arjun Prasad, AC to SC-3
		Ms. Neelam Kumari, AC to SC-3

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 23-03-2021 Heard learned counsel for the petitioner and the respondents.

This application involves the disputed question of fact.

Learned counsel for the petitioner submits that the petitioner applied for the post and in support of his claim learned counsel for the petitioner has relied upon Annexure-4, which is disputed by the counsel for the State and specific averments has been made in para 6 and 7 of the counter



affidavit, which is quoted herein below:

“6. That, this writ petition has been filed by the petitioner for issuing direction to the authority/authorities for appointment/selection of the petitioner on the post of Anganwadi Sevika, code no.84 Bahorama Deeh per under Sahora Panchayat of Atri Block in Gaya District which is not maintainable on the score that “Petitioner didn’t applied/filed application for her appointment before competent authority of law within due date. When she come to know that she obtained more marks than selected candidate (Private Respondent no.6 Bibha Kumari) then she submitted petition before District Programme Officer, Gaya and made wrong, false and concocted prayer that she has applied for the post and her appointment has not been made”. Under such fact and circumstances, this writ petition is not maintainable either on fact and law and fit to be dismissed. However enquiry on this issue is under process.

7. That averments and assertion made in paragraph no.01 of the writ petition is not maintainable either on fact and fit to be dismissed on the score that “Petitioner did not submit any application for her appointment before competent authority of law within due date”. However inquiry is under process on this issue. It is not out of place to mention here that “Petitioner didn’t annexed any receiving with this writ petition because she did not applied any application within due date.” After selection when she comes to know that she had more marks then selected candidate, i.e. (Private



Respondent No.6 Vibha Kumari) then she submitted a petition before District Programme Officer, Gaya and made wrong, false and concocted prayer that she has applied for the post. “It is also not out of place to mention here that selection process has already been completed and private respondent no.06 who is a competent candidate is working successfully on the post of Anganwari Sevika, code no.84 Bahorama Deeh per under Sahora Panchayat of Atri Block in Gaya District.”

In view of the disputed question of facts, the Court is not inclined to grant any indulgence to the petitioner. However, liberty shall be available to her to approach the common law court for appropriate relief.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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