

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1033 of 2019

In

Civil Writ Jurisdiction Case No.521 of 2019

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Punam Kumari, W/o Ajay Kumar, Resident of Mohalla- Maharajganj, Ward
No- 14, P.S. Rafiganj, District- Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Social Welfare Department, New Secretariat, Patna.
3. The Director, I.C.D.S., Bihar Indra Bhawan, Boaring Canal Road, Patna.
4. The District Collector, Aurangabad.
5. The District Programme Officer, Aurangabad.
6. The C.D.P.O. Rafiganj, Aurangabad.
7. Soni Kumari W/o Ranjit Kumar Resident of Mohalla-Pathak Tola, Ward No.
11, P.S.-Rafiganj, Distt. Aurangabad.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Birendra Kumar Singh, Adv.

For the Respondent/s : Mr.Gyan Prakash Ojha (G.A7)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 04-02-2021

Heard the parties.

Being aggrieved by judgment and order dated
25.07.2019 passed in C.W.J.C. No. 521 of 2019 passed by
learned Single Judge of this Hon'ble Court dismissing the writ
petition appellant/petitioner has preferred this L.P.A.

Briefly stated, the facts of the case is that
appellant/petitioner had filed a complaint against selection of
Soni Kumari, respondent no. 7 before the District Programme



Officer, Aurangabad, giving rise to Anganbari Case No. 33/2016 which was dismissed on 22.06.2016 against which appellant/petitioner preferred Anganbari Appeal Case No. 33/2015 which was also dismissed by order dated 03.08.2018 passed by the Collector, Aurangabad.

Appellant/petitioner thereafter filed a writ petition being C.W.J.C. No. 521 of 2019 against the order passed by the respondent authorities alleging therein that Soni Kumari, respondent no. 7 is an outsider and as such she is not eligible for being appointed on the post of Anganbari Sevika, Code No. 241 Centre Maharajganj, Ward No. 14 of Nagar Panchayat, Rafiganj, Aurangabad. In support of her allegations, she submitted various documents in order to demonstrate that respondent no. 7 is not the resident of said area and as such was not eligible to be appointed on the post of Anganbari Sevika whereas several documents were also submitted by the respondent no. 7 to show that she is resident of said Ward.

The writ petition was dismissed on the ground that under the guidelines of 2011 issued by the State Government for selection on the post of Sevika/Sahayika in clause 4 sub-Clause 4.5, it has been specified that residential certificate issued by competent authority shall be the valid document for purpose to



determine residence of candidates who have applied for appointment on the post of Sevika/Sahayika of Anganbari Centre. In the present case respondent no. 7 had submitted residential certificate issued by the Circle Officer, who is the competent authority for issuing the residential certificate, as such, she was eligible to be appointed on the post of Anganbari Sevika and dismissed the writ petition of appellant/petitioner.

This Court does not find any error or infirmity in the order passed by the learned Single Judge requiring any interference by this Court, accordingly this L.P.A. is dismissed

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.02.2021
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