

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7362 of 2021

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Gudiya Kumari wife of Anil Kumar, Resident of Village-Anua, P.S.-Sahar,
P.O.-Gulzarpur, District-Bhojpur (Ara).

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Social Welfare, Bihar, Patna.
2. The Director, Directorate of I.C.D.S., Social Welfare Department, Old Secretariat, Patna.
3. The Commissioner, Patna Divisions, Patna.
4. The District Magistrate, Bhojpur, Ara.
5. The District Programme Officer, Bhojpur, Ara.
6. The Child Development Project Officer, Sahar, Bhojpur, Ara.
7. Amrita Kumari, Wife of Mukesh Kumar Roy, Resident of Village-Anua, P.S. Sahar, P.O. Gulzarpur, District-Bhojpur, Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surj Bansh Roy, Advocate
For the Respondent/s : Mr. Md. Raisul Haque (SC 10)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 06-04-2022

Heard learned counsel for respective parties.

In the instant petition, petitioner has prayed for the following reliefs:-

“(i) For direction to the respondents to dispose of the application filed by the petitioner within a reasonable time because the application of the petitioner is pending before the respondent for a long time which was not disposed of.

“(ii) For any other relief or reliefs to which the petitioner is entitled.”



During the pendency of the present petition, petitioner has filed supplementary affidavit in which petitioner's prayer has been amended in the following manner. Paragraph 15 reads as under:-

“(i) This Hon'ble Court may graciously be pleased to direct the District Magistrate, Bhojpur to take appropriate action in accordance with the direction issued by the Deputy Director, Welfare, Patna Division, Patna as contained in Annexure 'P/4' to the main writ petition.

(ii) To make further direction to the District Magistrate, Bhojpur that as per Annexure 'P/6' Anganwari Centre, Anua Bathani Tola, Anganwari Code No. 133, Ward No. 9, Anchal-Sahar, District-Bhojpur is Backward Majority Centre but illegally made general category Anganwari Centre by the concerned respondent authorities.

(iii) To direct the respondent authorities that as Annexure 'P/7' of this Supplementary affidavit that petitioner has obtained highest marks in the merit list. But respondent no. 6 Amrita Kumari has obtained lessor marks in the merit list and she has been illegally selected on the post of Anganwari Sevika in the Anganwari Centre, Anua Bathani Tola, Anganwari Code No. 133, Ward No. 9, Gram Panchayat-Gulzarpur, Anchal-Sahar, District-Bhojpur.

(iv) To issue any appropriate direction for which the petitioner is duly entitled under the facts and circumstances of this writ petition.”



One of the question for consideration in the present petition is whether the petition is for the post of Anganbari Sevika in the Anganbari Centre, Anua Bathani Tola, Anganwari Code No. 133, Ward No. 9, Gram Panchayat-Gulzarpur, Anchal-Sahar, District-Bhojpur is required to be identified and filled from the Backward category or General category. Initially, it was identified as Backward category later on it was modified by the concerned authority to that of General category.

The petitioner’s grievance is that petitioner is candidate under the Backward category. As long as treating the aforesaid post under General category is not questioned by the petitioner to contend that the post is required to be filled up from Backward category. Therefore, the petitioner is not entitled to relief sought in the present petition.

Accordingly, the present petition stands dismissed reserving liberty to the petitioner to question the validity of identifying General category by the concerned authority.

(P. B. Bajanthri, J)

Vikash/-

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

