

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19729 of 2014

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Smt. Usha Devi wife of Shri Mani Kant Bishwas resident of village - Harfara
Balua, P.S. Pranpur, District - Katihar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director Integrated Child Development Service Bihar, Patna
3. The Commissioner, Purnea Division, Purnea
4. The Additional Commissioner - Cum - Secretary, Regional Transport Authority, Purnea Division, Purne
5. The District Magistrate, Purnea
6. The District Programme Officer, Katihar
7. The Child Development Project officer, Pranpur, District - Katihar
8. The Block Development Officer, Pranpur, District - Katihar
9. Smt. Nilu Kumari wife of Raj Kumar Mandal resident of village - Dhirganj, P.S. Pranpur, District - Katihar

... .. Respondent/s

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Appearance :

For the Petitioner : Mr.Bhola Prasad, Adv.
For the Respondent/s : Mr.Jawahar Pd. Karn, Adv.

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

3 12-12-2022 Heard the parties.

The petitioner has challenged the order dated 21.08.2014 passed by the Court of R.T.A., Purnia Division, Purnia, whereby the appeal of respondent no. 9 was allowed against the order passed by the District Programme Officer, Katihar, dated 23.05.2014.

Brief facts are that the petitioner challenged the selection of respondent no. 9, Smt. Nilu Kumari, for the post of



Aagan Bari Worker at center no. 75, Harfara Balua, Pranpur, Katihar. The selection of the petitioner was denied on account of her brother-in-law being a panch (Ward Member). Although, it was case of the petitioner that he had already resigned on 09.04.2013 and therefore the petitioner ought not to be deprived of her merit. The District Programme Officer vide order dated 23.05.2014 has stated that her brother-in-law, Uma Kant Vishwas, has resigned on 09.04.2013 and his resignation was accepted on 09.05.2013 and the petitioner was number one in merit and she was therefore entitled to be selected and appointed.

Against the said order, appeal was preferred before the Joint Commissioner-cum-Secretary, who examined the record and came to the conclusion that Uma Kant Vishwas, brother-in-law of the petitioner, was member of the Selection Committee and his name figures in the list of signatories to the merit list. It was also noticed that the resignation letter appears to be of 19.04.2013 and not 09.04.2013. In the circumstances the appellate authority proceeded to hold that the selection of the petitioner could not have been made and the order passed by the District Programme Officer dated 23.05.2014 was set aside. Learned counsel for the petitioner has argued that it is erroneous



and actually his brother-in-law had resigned on 09.04.2013.

I have considered the submissions.

Factual findings arrived at by any quasi judicial/ judicial forum are not to be interfered lightly in writ jurisdiction under Article 226 of the Constitution. This Court is not sitting in appeal against the order passed by the R.T.A., Purnia Division, Purnia. The only aspect which this Court can examine is whether the order passed is without jurisdiction or that there is a gross perversity in the order.

On both the counts this Court does not find any reason to interfere in the order.

The writ petition is devoid of merit and, accordingly, dismissed.

(Sanjeev Prakash Sharma, J)

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