

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 19792 of 2014

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Sandhaya Kumari W/o Sri Bipin Kumar Singh R/o Village Kathdumar, P.O. Chapraon Kothi, P.S. Simribakhtiyapur, District Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Social Welfare Department, Bihar, Patna
2. Director, Integrated Child Development Scheme, Bihar, Patna.
3. District Magistrate, Saharsa.
4. Deputy Director Welfare Koshi Division, Saharsa.
5. District Programme Officer, Saharsa.
6. Child Development Project Officer, Simri Bakhtiyarpur under District Saharsa.
7. Soni Kumari W/o Chandan Kumar Singh Resident of Village Kathdumar, P.S. Bakhtiyarpur, District Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Diwakar Prasad Singh, Advocate
For the Respondent/s : Mr Rajiv Kumar Singh, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 06-12-2022 Heard learned counsel for the petitioner and the respondents.

The petitioner's selection as ***Sevika*** has been set aside by the District Magistrate, Saharsa under order dated 19.07.2014.

Petitioner's counsel submits that the petitioner, at Aam Sabha dated 12.04.2007, was selected and the same, has been challenged in 2010 by an appeal, which is belated, and not maintainable. It is also submitted that the person, who had



challenged the petitioner's selection, was not a resident of the ***Poshak Kshetra***. The third submission is that from bare perusal of Annexure 4 of the writ petition, it is apparent that the petitioner's candidature was duly verified by various authorities including the Assistant Settlement Officer, Saharsa and, therefore, the order of the District Magistrate is not sustainable.

The submission, in so far as the complain being belated, is founded on Annexure 1 being a decision of the Integrated Child Development Scheme dated 17.05.2013. The same has come into existence much after petitioner's selection in 2007 and even three years after the appeal was filed by the private respondent. The time limit specified in the year 2013, therefore, cannot be retrospectively applied prior to the issuance of the said decision dated 17.05.2013.

The second submission regarding the complainant being not resident of the ***Poshak Kshetra*** does not in any way justify the petitioner's selection. It is the petitioner's selection which has been found to be incorrect by order of the District Magistrate. She, thus, would be required to show that she was duly selected.

The third submission regarding verification done by Assistant Settlement Officer is also being noted to be rejected.



After due opportunity and consideration, the District Magistrate has passed the order dated 19.07.2014.

This Court would, thus, confine its scrutiny to the decision making process. This Court would refrain from entering into the dispute between the parties on merits.

The order dated 19.07.2014 passed by the District Magistrate does not require any interference.

Writ petition is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

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