

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4469 of 2023

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Sonam Bharti Wife of Bablu Prasad Yadav @ Bablu Yadav Resident of
Village- Atalakha, Ward no. 2, Gram Panchayat Atalakha, P.S.- Sonbarsa,
Dist.- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Social Welfare Deptt. Govt. of Bihar, Patna.
2. The Director, I.C.D.S., Social Welfare Deptt. Govt. of Bihar, Patna.
3. The Commissioner, Koshi Division, Saharsa.
4. The District Magistrate, Saharsa.
5. The District Programme Officer, Saharsa.
6. The Child Development Project Officer, Sonbarsa, District- Saharsa.
7. The Mahila Paryavechhika cum Member Secretary of Selection Committee, Sonbarsa Pariyojna, Gram Panchayat Atalakha, Dist.- Saharsa.
8. Rani Kumari, Wife of Rikesh Yadav Resident of Village and Gram Panchayat Atalakha Ward no. 2, P.S.- Sonbarsa, Dist.- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha
For the Respondent/s : Mr.S.K. Mandal (SC-3)

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 18-09-2023 1. Heard learned counsel for the petitioner and
learned counsel for the respondents.

2. The petitioner was a competing candidate with
private respondent No. 8 in the process of selection of
Anganwari Sevika for Centre No. 248, Ward No. 2, Atalakha,
District-Saharsa. The respondent No. 8 got selected.

3. It is the petitioner's case that she moved before the
District Program Officer assailing the selection of respondent



No. 8. The same was rejected by an order dated 25-02-2021 (Annexure-4). Against the said order, she has moved before the Divisional Commissioner, Koshi Division. The petitioner's revisional appeal preferred under clause 12 of the 2019 Guideline has also been rejected by an order dated 10.12.2022 (Annexure-5).

4. It is submitted by learned counsel for the petitioner that the selection of private respondent no. 8 was contrary to the Guidelines in as much as on the last date of submission of application, i.e., 10-11-2018, the private respondent was not married. It is submitted that a false claim regarding marriage has been made with one Rikesh Kumar, who had not even attained majority and was incompetent to marry.

5. The two forums, the District Program Officer and the Divisional Commissioner, have considered the petitioner's claim. This claim has also been considered by the Divisional Commissioner. The Divisional Commissioner has considered the claim of private respondent No. 8 of being married on 9-11-2018, prior to the last date of submission of application, which fact was certified by the *Mukhiya*, *Sarpanch* and Ward Members.

6. In view of such material being on record, this Court



while exercising jurisdiction under Article 226 of the Constitution of India, will not go into the sufficiency or the veracity of the material. Once the order is passed, in accordance with the Guidelines, affording due opportunity under the principles of natural justice and the procedure is fair, it is settled law that the writ Court is normally not required to consider the decision and confine its judicial review only to the decision making process. There being no alleged infirmity in the process. The factual disputes sought to be raised are not considered by this Court to be sufficient for invoking the writ jurisdiction.

7. Writ application is dismissed.

(Madhuresh Prasad, J)

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