

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20450 of 2018

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Shashi Kala Kumari Wife of Sri Sanjay Kumar Ray, Resident of Village-
Rambari, P.O.- Bari, P.S.- Kusheshwarasthan, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Collector, Darbhanga.
3. The District Programme Officer ICDS, Darbhanga.
4. The Child Development Project Officer CDPO, Kusheshwarasthan, West Darbhanga.
5. The Mukhiya, Gram Panchayat Raj, Beri, District- Darbhanga.
6. Smt. Sangeeta Devi, Wife of Sri Vidyanand Pandit, Resident of Village-
Rambari, P.O.- Bari, P.S.- Kusheshwarasthan, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Parth Gaurav, Adv. Ms. Sangita Sharma, Adv.
For the State	:	Mr. Md. Raisul Haque (SC-10)
For Respondent No.6	:	Mr. Rajesh Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 07-10-2024 Heard Learned Counsel for the petitioner, Learned

Counsel for the State and Learned Counsel for private

respondent no.6.

2. The present writ petition has been filed for
quashing the order dated 28.08.2018 in *Anganwadi* Case No.
113 of 2015 passed by the Collector, Darbhanga (annexed as
Annexure-1) whereby he has set aside the order dated
28.07.2014 contained in Memo No.1674 in Case No.33/2013-14
passed by the District Programme Officer, Darbhanga (annexed
as Annexure-2).



3. Learned Counsel for the petitioner submits that the petitioner belongs to *Dhanuk* caste which is acknowledged as extremely backward class and she is *bahu* (daughter in law) of Gram Panchayat, Bari. Counsel submits that advertisement was issued for appointment of *Anganwadi Sevika* which was reserved for extremely backward class and the petitioner being the eligible candidate, applied for her appointment. Petitioner had obtained 394/700 marks in matriculation and passed intermediate examination from Hasanpur College, Hasanpur. Counsel submits that on 08.06.2012, *Aam Sabha* was organized, wherein, petitioner was present and a merit list was prepared and according to the merit list, she had obtained 63.28 marks which was the highest amongst the candidates. Counsel submits that the petitioner comes from the majority caste of the village, but, the CDPO decided this matter against the petitioner and being aggrieved, she filed application before DPO, Darbhanga in Case No.33/2013-14 and finally, this matter was travelled upto District Magistrate-cum-Collector by way of Appeal No.186 of 2012.

4. Learned Counsel for the petitioner further submits that from the genealogical table as well as caste certificate issued by the Circle Officer, petitioner belongs to extremely



backward class category in *dhanuk* caste, but irrespective of the above said proof, the Cadastral Survey Khatiyani has been taken into consideration and on the basis of that, it has been decided that petitioner does not belong to *dhanuk* caste, rather, belongs to *kurmi* caste.

5. Learned Counsel for State on the other hand submits that specific stand has come in the counter affidavit and it is very much clear that the Cadastral Survey Khatiyani is the oldest document available on record on the basis of which, it has been decided that the petitioner belongs to *kurmi* caste. Counsel further submits that the District Magistrate in his order has categorically indicated about the reservation policy 1991 and concerned departmental instruction in this matter and then decided this case.

6. Learned Counsel for private respondent submits that the decision of the District Magistrate-cum-Collector, Darbhanga has been made completely in accordance with law as the Cadastral Survey Records of Right is the oldest document and at that very time, the reservation policy was not there. And till, non-implementation of the reservation policy, the petitioner was *kurmi* and after the implementation of the reservation policy, petitioner has converted herself into *dhanuk* caste and



that is not permissible in law.

7. In the light of the submissions made by the parties, it transpires to this Court that the Cadastral Survey Records of Right is the oldest document and subsequent request for changes in comparison to the older document in which petitioner has been shown as *kurmi* shall be more reliable and therefore, this Court is of the firm view that there is no need of any interference in the order passed by the Collector, Darbhanga.

8. Hence, the present writ petition stands dismissed.

(Dr. Anshuman, J)

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