

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.684 of 2019

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Bhagwati Kumari W/o Sri Gopal Sah Resident of Village, P.O. and P.S.-
Chandramandi, Ward No.7, District-Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Secretary, Department of Social Welfare, Govt. of Bihar, Patna.
3. The District Magistrate, Jamui.
4. The District Programme Officer, Jamui.
5. The Child Development Project Officer, Chakai, District-Jamui.
6. The Block Development Officer, Chakai, District-Jamui.
7. Smt. Kajal Kumari W/o Sudhir Kumar Das Resident of Village, P.O. and
P.S.-Chandramandi, Ward No.8, District-Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mrs. Shweta Anand, Adv. Mr. Ajit Anand, Adv.
For the State	:	Mr. Gyan Prakash Ojha, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 07-05-2024 Heard learned counsel for the petitioner and learned

counsel for the State. No one appears on behalf of the private

respondent no.7 in-spite of the fact that notice was issued upon

respondent no.7, but she has opted not to appear.

2. Learned counsel for the petitioner submits that she

has filed a supplementary affidavit in this case by which she has

narrated the actual position of respondent no.7 that upon

receiving the notice, the respondent no.7 has resigned from the

post of *Anganwadi Sevika Kendra* and presently, the seat is

vacant there. Counsel further submits that by this writ petition,



the order of Collector has been challenged which is annexed as Annexure-10 in which the claim of the petitioner has been rejected and claim of respondent no.7 has been allowed.

3. Learned counsel for the petitioner further submits that in the operative part of the order of Collector, it has been acknowledged that the petitioner herself argued that she is actually resident of Ward No.7 where the *Anganwadi Kendra* is situated, but her name was wrongly entered in the voter list of Ward No.8 and it is due to this reason, her name has not been considered. Counsel also submits that in support of her argument, the certificate of *Mukhiya* and the ration card have been attached in the writ petition. Counsel submits that in spite of the specific pleading of the petitioner, no answer has come on this point that the certificate has been issued by *Mukhiya* and the ration card is in favour of the petitioner. Counsel further submits that it is due to this reason, a prayer has been made in the writ petition that an enquiry be done by the authorities about the permanent residency of the petitioner and then the order be passed.

4. Learned counsel for the State on the other hand submits that in paragraph no.8 of the counter affidavit, the stand of the State is very clear that the present petitioner's case was



rejected as her husband's name was at Serial no.300 in the voter list of Ward No.8 of Panchayat General Elections, 2011 while name of her father-in-law and mother-in-law was also present in the voter list of Ward No.8 and the present vacancy is relating to Ward No.7. Therefore, the Collector's order is absolutely legal and there is no illegality in the said order.

5. After hearing the parties and going through the records, this Court is of the view that at the time of order passed by the Collector which is impugned here, the name of the petitioner was in voter list of Ward No.8 and no steps was taken by the petitioner to correct the same.

6. As such, this Court does not find any illegality in the order of Collector. But since, in the change circumstance as informed by the counsel for the petitioner that after receiving the notice, private respondent no.7 has resigned from the post of *Anganwadi Sevika* as well as in the light of the certificate issued by the *Mukhiya* and the ration card attached, this Court hereby grants liberty to the petitioner to take steps for correction of her name with the proof of her residence in Ward No.7 within three months so that entry in the voter list of the petitioner may be corrected. After correction of her name or upon obtaining residence certificate from the competent authority, the petitioner



shall file a representation before the Collector intimating that correction/certificate has been made and then the Collector shall pass a fresh order only after calling the report that whether respondent no.7 has resigned from the said post or not. If the report has come that respondent no.7 has resigned, then in that case, the Collector is directed to pass order in accordance with law considering the documents relating to proof of residence.

7. With the aforesaid observations and directions, this writ petition is hereby disposed off.

(Dr. Anshuman, J.)

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