

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7688 of 2014

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Nazia Amin, W/o Md. Khushhal Khan, resident of village- Salim Nagar, P.O. & P.S.- Maheshkhut, District- Khagaria

.... Petitioner/s

Versus

1. The State of Bihar.
2. District Magistrate, Khagaria
3. District Programme Officer, Khagaria
4. Child Development Project Officer (C.D.P.O.) Gogri, Khagaria
5. Mukhiya, Gram Panchayat, Jhiktiya, Gogri Block, District- Khagaria
6. Meena Devi, Up-Mukhiya, Gram Panchayat, Jhiktiya, Gogri Block, District- Khagaria
7. Ibrat Jahan @ Ibrat Jahan Khanam, W/o Md. Afroj Khan, resident of village- Salim Nagar, P.O. & P.S.- Maheshkhut, District- Khagaria
8. Raft Afsan, wife of Rizwan Khan, resident of village- Salim Nagar, P.O. & P.S.- Maheshkhut, District- Khagaria

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rashid Izhar
Mr. Tabish Sharfuddin
Mr. Sharad Pathak

For the Respondent nos.1to4: Mr. Karandeep Kumar, AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 27-01-2015

Heard the parties.

The petitioner is aggrieved by the order dated 20.03.2013 (Annexure-10) passed by the respondent District Magistrate, Khagaria, whereby he has directed for making fresh selection on the post of Anganwari Sevika for Anganwari Centre no.204 in the district of Khagaria. She is also aggrieved by the order dated 20.11.2013 (Annexure-11) passed by the respondent Divisional Commissioner, Munger, whereby the appeal preferred on behalf of the petitioner against the order passed by the respondent District Magistrate has been dismissed and the order passed by the respondent District Magistrate has been affirmed.

From the findings recorded by the two authorities, it is apparent that there was a serious dispute about the genuineness and correctness of the selection process started earlier for filling up the post of Anganwari Sevika for the Anganwari Centre in question. The claim of the petitioner that in the Aam Sabha held on 15.11.2008 she was solitary candidate for that post and, therefore, she was selected on that post by the Mukhiya has not been accepted by the respondent District Magistrate and, accordingly, previous selection process has been cancelled and a direction has been issued for starting a fresh selection process. The order passed by the respondent District Magistrate has been affirmed by the respondent Divisional Commissioner.

In view of the fact that by the impugned original order, as contained in Annexure-10, duly affirmed by the appellate authority, a direction has been issued for starting fresh selection process for filling up the post of Anganwari Sevika for Anganwari Centre in question, this Court is not inclined to interfere with the impugned orders, as contained in Annexure-10 and 11.

Accordingly, the writ petition stands dismissed.

However, if the selection process has not already been concluded pursuant to the order passed by the respondent District Magistrate, Khagaria, then the petitioner shall also be allowed to participate in the aforesaid selection process, if she otherwise fulfills the conditions for her selection on the post of Angawari Sevika and her claim shall not be rejected on the ground of any findings recorded in the impugned orders.

(Birendra Prasad Verma, J)

Arvind/-

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