

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8234 of 2000

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1. Smt. Shail Kumari, wife of Sri Revtikant Sinha, resident of village and P.O.- Kharthua, P.S.- Harnaut, District- Nalanda.
 2. Smt. Premrata Kumari, wife of Sri Anil Prasad, resident of village and P.O.- Daile, P.S.- Harnaut, District- Nalanda.
 3. Smt. Nilu Devi, wife of Sri Binay Kumar Sinha, resident of village Kharuara, P.S.- Harnaut, District- Nalanda.
 4. Smt. Shushama Devi, wife of Narayan Singh, resident of village-Telmar, P.S.- Harnaut, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Welfare Department, Government of Bihar, Patna.
2. Director, Welfare Department, Government of Bihar, Patna.
3. The District Magistrate, Nalanda.
4. The Deputy Development Commissioner, Nalanda, Biharsharif.
5. District Welfare Officer, Biharsharif, Nalanda.
6. The Children Development Project Officer, Harnaut, Nalanda.
7. The Block Development Officer, Harnaut, Nalanda.
8. The Circle Officer, Harnaut, Nalanda.
9. Kumari Manju Sinha, wife of Madan Pandit, resident of village Kharthua, P.S.- Harnaut, District- Nalanda.
10. Smt. Tara Devi, wife of Vijay Kumar, resident of village Kharwara, P.S.- Harnaut, District- Nalanda.
11. Smt. Pratima Kumari, wife Surat Ravidas, resident of village + P.O.- Telmar, P.S.- Harnaut, District- Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. R. Griyaghey,
Mr. A.K.Singh
Mr. Ravi Shankar.
For the Respondent/s : Mr. Purnendu Singh G.P. 27
Mr. Ritesh Kumar

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 11-05-2015

Heard the parties.

Counter affidavit(s) have been filed on behalf of the State respondents as well as the private respondents.

The petitioners herein claimed to have been selected as Anganwari Sewika for the Centres Khartua, Mahuabagh, Dailey and



Kharwara (Gha) inasmuch as engagement letters were issued. The same was found contrary to the laid down procedure in the relevant guidelines/circulars issued by the Government in the Department of Social Welfare and Child Development. Accordingly, the District Magistrate cancelled those appointments/engagements vide order dated 29.11.1997. The same became subject matter of challenge in C.W.J.C. No. 11453 of 1997. The Writ Court by a proceeding dated 9.7.1998 (Annexure-11) interfered with the said order finding that the District Magistrate under the relevant circulars/guidelines had no jurisdiction. However, the said communication was directed to be treated as recommendation of the District Magistrate and the appropriate/competent authority was directed to take a final decision. In the light of the said order, the Director, Welfare passed an order (Annexure-A to the State counter affidavit) cancelling the appointment or the engagements of the petitioners having been made without following the procedure prescribed under the relevant guidelines/circulars governing the case.

The writ application has been filed for a direction to appoint the petitioners on different posts of Anganwari Sewika. The order by which the Director cancelled the appointments/engagements has, however, not been challenged.

In the counter affidavit filed on behalf of respondent nos. 9 to 11, it has been stated that fresh selection process has already

undergone and the persons selected have joined the posts and are discharging the duties. Besides this, diverse illegalities which were committed in the engagement of the petitioner have also indicated. Be it noted that this writ petition was earlier dismissed for non-prosecution twice.

In view of the statements which have been made in the counter affidavit(s), it does appear to this Court that the procedure prescribed for the engagement of the petitioners was grossly violated. No order, therefore, can be passed in favour of the petitioners. As seen, fresh process of selection has already been undergone in which the petitioners, as per the order of the Director, were allowed to participate. That apart, the engagement of Sewikas/Sahaikas is not guided by any rule framed by the Government. According to their own showing, they are guided by circulars/guidelines issued by the Government. In that view of the matter, it cannot be said that any legal/statutory right of the petitioners has been violated. The writ petition, therefore, does not call for any interference.

It is, accordingly, dismissed.

(Kishore Kumar Mandal, J)

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