

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2280 of 2014

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Renu Chaurasia Wife Of Manoj Kumar Chaurasia Resident Of Village -
Manoharpur, P.S. Madhusudanpur, District - Bhagalpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. Commissioner, Bhagalpur Division, Bhagalpur
3. The Collector, Bhagalpur
4. District Programme Officer, Bhagalpur
5. C.D.P.O. Nath Nagar, District - Bhagalpur
6. Sweta Gosh Wife Of Suman Sinha @ Bimlendu Kumar Sinha Resident Of
Village - Manoharpur, P.O. Shahjadpur, P.S. Nath Nagar, District - Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh
For the Respondent/s : Mr. Kumari Amrita

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 06-10-2015

06.10.2015 Heard learned counsel for the petitioner and
learned counsel for the State.

The Court has also perused the impugned
order, contained in Annexure-10, passed by the
Divisional Commissioner, Bhagalpur Division, Bhagalpur
in Anganwari Appeal Case No. 24 of 2013-2014. The
date of the impugned order is 23.09.2013.

On an appeal being filed by the Private-
respondent No. 6, the Divisional Commissioner came to
a considered opinion that the selection and appointment
on the post of Anganwari Sewika even of the petitioner

seems to be contrary to the guidelines, because she does not belong to the ward where the centre is located. So far as the appellant or private-respondent no. 6 is concerned, the finding was that she did not come within the backward class category, since the dominant class composition of the ward is backward class.

The findings being what they are, there is no material to come to a conclusion that such a finding is not based on evidence and material. The Divisional Commission came to a rightful conclusion that there has been certain mischief and fraud played in such selection, therefore, there was necessity for holding a fresh exercise for appointment or selection on the centre. The Divisional Commissioner has also given liberty to the petitioner and private-respondent to participate, provided they fulfill the requirement and eligibility.

In the given facts and circumstances, the impugned order, contained in Annexure-10, does not require interference. In fact, the Court is surprised that despite the order passed on 23.09.2013, exercise for fresh selection has not been carried out.

It will be in the interest of the ICDS authorities to ensure that the exercise with regard to the selection afresh is initiated and completed within a reasonable



time-frame, as enough time has already lost since passing of the order by the Divisional Commissioner. The Court fixes a time-frame of four months from the date of production / communication of a copy of this Order.

Writ application stands dismissed with observation / direction as above.

(Ajay Kumar Tripathi, J.)

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