

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12881 of 2015

Pratima Devi @ Pratima Kumari, wife of Sri Manohar Kumar resident of Village-Ramjichak, P.S Digha , District -Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, Patna
2. The Divisional Commissioner, Division Patna.
3. The Director, Social Welfare Department, Government of Bihar, Patna.
4. The Deputy Director, Social Welfare Department, Government of Bihar, Patna.
5. The District Magistrate, Patna
6. The District Programme Officer, Patna.
7. The Sub-Divisional Officer, Danapur, District Patna.
8. The Child Development Project Officer, Danapur, District Patna
9. The Block Welfare Officer, Danapur, District Patna.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Alok

For the Respondent/s : Mr. JAI SHANKAR BARNAWAL, GA 5

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

C.A.V. JUDGMENT

Date:17-12-2015

Writ application has been filed by the petitioner to set aside the order dated 3.1.2015 passed by the Deputy Director, Welfare, Patna, in Anganbari Appeal No.143 of 2014. The impugned annexure is Annexure-1/1. The effect of the present order is that it has upheld the direction of the District Programme Officer, Patna, whose order dated 8.11.2014 i.e. Annexure-1 to the writ application.

2. A combined reading of the two orders would indicate that both the authorities have come to a concurrent finding that the selection made on the post of Anganbari Sewika for the centre of Gandhi Gali North, Ward No.31, Nagar Parishad Danapur, is required to be set aside and a fresh exercise was warranted. Petitioner claims that if the order in question remains, her right for appointment

will stand defeated on ipse dixit findings given therein.

3. The C D P O, Danapur was directed to file counter affidavit on the dispute. Her stand in the counter affidavit is that the petitioner challenged the selection of one Snehlata Sinha on the ground that her mother-in-law is a Government teacher. The District Programme Officer considered the grievance of the petitioner and by a detailed order vide Anneuxre-1 came to a considered opinion that not only the selection of Snehlata Sinha was contrary to the guidelines but even the mapping register was not properly done. In addition to that, petitioner has deliberately tried to confuse the issue since there are two Anganbari Centres sanctioned in Ward No.31 i.e. Gandhi Gali West, which is Centre No.235 and Gandhi Gali North, which is Centre No. 236. She did not apply for Centre No. 236 of Gandhi Gali North. Therefore, her name did not figure in the merit list nor she is named in the mapping register. She is intentionally trying to play on slip of pen that she was a claimant for the said centre and her name stood at 2nd position in the merit list. All these aspects have been considered both by the CDPO as well as the appellate authority, the Deputy Director and a rightful decision has been reached.

4. After having perused the two orders, contained in Anneuxre-1 and 1/1, the Court agrees with the concurrent finding arrived at by the authorities. The only course open in such a background or dispute is to direct preparation of a fresh mapping register and initiation of a fresh exercise for selection of Anganbari Sewika. Petitioner cannot be appointed by virtue of the fact that the previously appointed incumbent has been ousted at her instance since she was not an applicant of Gandhi Gali North i.e. Centre No.236.

5. It goes without saying that if the petitioner is eligible when the next process of selection is initiated, she can offer her candidature for

consideration, which will be done in terms of her eligibility, merit and guidelines.

6. Writ application, therefore, stands dismissed with the above liberty.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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