

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2105 of 2014

In
Civil Writ Jurisdiction Case No. 2524 of 2014

=====

Ranjan Devi W/o Sri Dilip Kumar Ram Resident of village- Baghat, P.S.-
Mahigachhi, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary,
Welfare Department, New Secretariat, Govt. of Bihar, Patna.
2. Principal Secretary, Welfare Department, New Secretariat,
Govt. of Bihar, Patna.
3. The District Magistrate, Darbhanga.
4. The Child Development Project Officer, Block-Manigachhi, District-
Darbhanga.
5. Director, Integrated Child Development Service (I.C.D.S.),
Social Welfare Department, Government of Bihar, Patna.
6. The District Welfare Officer, District- Darbhanga.
7. The District Programme Officer, Darbhanga.
8. Mukhiya, Gram Panchayat Raj Baghant, District- Darbhanga.
9. Panchayat Secretary, Gram Panchayat Raj Baghant, District- Darbhanga.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Bimlendu Shekher Thakur, Advocate
Mr. Raj Kamal, Advocate

For the Respondent/s : Mr. Ranjan Kumar, AC to AAG IV

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 11-02-2015

MJC No. 2105 of 2014

When this matter has been taken up for consideration on merit, learned AC to AAG 4, appearing on behalf of the opposite parties, has filed a counter affidavit on behalf of the opposite party nos. 3 and 4 in compliance of the oral direction issued by this Court earlier, which has been taken on the record.

After having heard the parties and taking into consideration the averments made in the present application as also in the counter affidavit filed on behalf of the opposite party nos. 3 and 4, this court is inclined to allow the prayer of the

petitioner for restoration of CWJC No. 2524 of 2014 which stood dismissed by this Bench by order dated 16.06.2014 for want of prosecution. Accordingly, CWJC No. 2524 of 2014 is restored to its original file and the present application stands finally disposed of.

CWJC No. 2524 of 2014

With the consent of the parties this writ petition has been taken up for consideration on merit.

The petitioner is aggrieved by the order dated 04.10.2013 (Annexure-1) passed in Anganwari Case No. 06/08-09 by the respondent District Magistrate, Darbhanga whereby the claim of the petitioner for her selection on the post of Anganwari Sevika for Anganwari Centre no.3 Ram Tol under Baghant Gram Panchayat in the district of Darbhanga has been rejected, primarily on the ground that there is no Anganwari Centre like Ram Tol in the aforesaid Baghant Gram Panchayat. As per findings of the respondent District Magistrate though there is an Anganwari Centre no.3 in the aforesaid Gram Panchyat named and styled as Anganwari Centre Narha Tol within which Ram Tol is also included. The petitioner claims to be a resident of Ram Tol.

The respondent District Magistrate has also come to the finding that the post of Anganwari Sevika and Sahayika of Anganwari Centre No.3 Narha Tol are still vacant and direction has been issued to complete the selection process as per existing guidelines of the State Government.

In the counter affidavit filed in MJC No. 2105 of 2014 which has been sworn by the CDPO, Manigachhi it has been stated that for the purpose of filling up the vacant posts of Anganwari Sevika and Sahayika of the aforesaid Anganwari

Centre Narha Tol selection process has been started and General Body meeting has been convened on 20th February, 2015. Learned State counsel has very fairly conceded that the selection process has not been completed till date.

In above view of the matter, without interfering with the impugned order dated 04.10.2013 (Annexure-1), the present writ petition is disposed of with a direction that if the petitioner is otherwise eligible for her selection on the post of Anganwari Sevika or Sahayika for the aforesaid Anganwari Centre in question, then she shall also be allowed to participate in the aforesaid selection process, and her claim and the claim of other eligible candidates shall be considered in accordance with law and as per the existing guidelines issued by the State Government.

Learned State counsel is directed to communicate this order to the District Programme Officer, Darbhanga as also the respondent CDPO, Manigachhi. The petitioner is also directed to appear before the respondent CDPO, Manigachhi with a certified copy of the present order on or before next date fixed i.e. 20.02.2015 for the purpose of holding General Body meeting for selection on the post of Anganwari Sevika and Sahayika for Anganwari Centre in question.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

Tahir/-

U			
---	--	--	--