

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11809 of 2013

Sita Kumari Wife of Shivnandan Sah resident of village - Phulout West Gram Panchayat, Police Station- Chousa, Block- Chousa, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner and Secretary, Department of Social Welfare, Government of Bihar.
3. The Director, Social Welfare, I.C.D.S. Directorate, Government of Bihar, Patna
4. The District Collector, Madhepura
5. The District Programme Officer, Madhepura
6. The Child Development Project Officer, Chousa, Madhepura
7. The Panchayat Secretary, Gram Panchayat Phulout West, P.S. and Block- Chousa, District- Madhepura
8. Manita Kumari W/o Sri Krishna Kumar Sah, resident of village- Phulout West, P.S.- Chousa and Dist.- Madhepura
9. Rina Kumari W/o Sri Dev Balak Mehta, resident of village – Phulout West, P.S.- Chousa and Distt.- Madhepura

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Shivnandan Sah
For the State : Mr. Pankaj Kumar, SC-12
For the Respondent no.8 Mr. Dhananjay Kumar
For the Respondent no.9 Mr. Sanjeev Kumar

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 08-09-2016

Heard learned counsel for the petitioner, State and the private respondents.

In this case, prayer has been made by the petitioner that she should be brought to Ward No. 2(Centre No. 113).

The petitioner and the private respondents are Anganwari Sevikas and due to delimitation on account of the panchayat election, she was shifted in another ward. All three Anganwari Sevikas (petitioner and private respondents) are residents of village Phulout West, PS- Chousa, District-Madhepura, belong to the backward class (BC-II), on the basis of seniority, all the three have been placed in the different wards.

It has been claimed by the petitioner that as she was earlier

working in Ward No. 2 (Centre No. 113), has been shifted to Ward No. 7, she should be allowed to work in Ward No. 2. She has raised grievance, looking to her age, being 45 years old and has to go to one kilometer hence she should be shifted to Ward No. 2 (Centre No. 113).

As per the submission of the respondent, claim of the petitioner cannot be entertained in view of the fact that right from beginning, she has been working at Ward No. 7 (Centre No. 111). The basis of transferring from one ward to another ward is based on respective seniority and she is junior to Respondent no. 8, who is working at Ward No. 2 (Centre No. 113).

Today, respondent No. 9 has appeared and has submitted that she has no grievance of her place of posting, as Respondent no. 9 is working at Ward No. 4 (Centre No. 115), in such view of the matter, it appears that Respondent no. 8, Manita Kumari is working at Ward No. 2 (Centre No. 113), Respondent no. 9 is working at Ward No. 4 (Centre No. 115) and the present petitioner is working at Ward No. 7 (Centre No. 111), so there is no overlapping among the three Anganwari Sevikas. The claim of the petitioner for transferring from Ward No. 7 to Ward No. 2 appears to be not based on any justifiable ground. Hence this Court does not find any merit in the present case and the same is dismissed. However authorities would not disturb their place of working unless there is dire need.

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
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(Shivaji Pandey, J)