

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 7364 of 2011

=====

Rafia Ghazala W/O Md. Afzal R/O Vill-Dema (Ward No.6) Under Gram Panchayat Dema , P.S.-Persauni, Distt-Sitamarhi

..... Petitioner

Versus

1. The State of Bihar Through The Principal Secretary, Human Resources Development Department Govt. of Bihar, Patna
2. The District Magistrate Sitamarhi
3. The District Programme Officer Sitamarhi
4. The Sub Division Officer Belsand , Distt-Sitamarhi
5. The Child Development Project Officer (C.D.P.O.) Persauni Block, Distt-Sitamarhi
6. Mukhiya of Gram Panchayat Raj Bishnupur Dena , P.S.-Persauni, Distt-Sitamarhi
7. The Selection Committee of Anganbari Savika of Gram Panchayat Raj Bishunpur Dema, P.S.-Persauni, Distt-Sitamarhi through C.D.P.O.

..... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Md. Anisur Rahman

For the Respondent/s : AC to Gp10

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

8. 09-08-2016 Heard the parties.

The petitioner in the present writ petition has made a prayer for directing the respondents to issue appointment letter in her favour on the post of Anganbari Sevika in South Tola Code no. 15, ward no. 6 under Gram Panchayat Raj Bishanpur Dema, P.S. Parsauni, District – Sitamarhi.

It has been claimed that petitioner alongwith other six persons applied for the post and she obtained 65.58 % marks in Fauquania Examination and 59.15 % marks in Maulvi



Examination. It has been claimed that out of seven candidates, six were debarred and petitioner was only eligible candidate for being selected as Anganbari Sevika, however; till date, no decision has been taken, whereas, selection process was initiated in the year 2011 itself. The petitioner thereafter had also filed representation before the District Magistrate, vide **Annexure – 5** to the writ petition regarding her grievances, but no decision has been taken till date.

In this case, a counter affidavit has been filed on behalf of respondent no. 3/District Programme Officer and a peculiar stand has been taken in the counter affidavit. In paragraph – 7, it has been indicated that Aam Sabha meeting was fixed on 12-02-2011, however; some anti-social elements snatched the proceeding register from the C.D.P.O. to disturb the proceeding, hence no decision could be taken in the Aam Sabha nor final decision has been taken towards selection of the Anganbari Sevika. There is no indication in the counter affidavit as to whether, for such an occurrence, from the State side, any F.I.R. was lodged or not.

Considering the facts and circumstances, particularly the fact that none of the persons has been appointed till date as well as the statement made in paragraph – 7 of the counter

affidavit, the Court is of the opinion that no positive direction can be issued in the writ petition. However, the writ petition is disposed of, with an observation that the learned District Magistrate may examine the matter and take appropriate decision in accordance with law as also enquire as to whether for such an occurrence, any police case has been instituted against concerned person or not.

(Rakesh Kumar, J.)

Anay

U			
---	--	--	--