

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11260 of 2013

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Sima Kumari, wife of Sri Satish Chandra Sharma, resident of village- Siranda,
Ward No. 1, P.S. - Pranpur, Town and District – Katihar.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Department of Social Welfare, Government of Bihar, New Secretariat, Patna.
2. The Director, Directorate of Integrated Child Development Scheme (ICDS), Department of Social Welfare, Government of Bihar, New Secretariat, Patna.
3. The District Magistrate, Katihar.
4. The District Programme Officer, Katihar
5. The Child Development Project Officer, Pranpur, Katihar.
6. Smt. Sonam Kumari W/O Sri Dayanand Sagar Resident Of Village Siranda, P.S. - Pranpur, Dist. – Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Kishor Poddar, Adv.

For the Respondent/s : Mr. Sanjay Kumar No.1, S.C.-12

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 13-12-2016

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

2. This matter relates to appointment of Anganbari Sevika. The application of the petitioner for appointment on the post of Anganbari Sevika has been rejected on the ground that she falls in the exclusion clause on account of the fact that her husband was a



Ward Member and as per the conditions attached to the scheme she cannot be appointed as Anganbari Sevika.

3. This Court has issued notice upon respondent No.6, but she has chosen not to appear before this Court. The State has filed counter affidavit.

4. This writ application can be allowed on a small point that the application which the petitioner has filed, making allegation against the private respondent for his illegal appointment was taken into consideration and the District Magistrate, Katihar on the basis of the reports submitted by the District Programme Officer and Child Development Project Officer, rejected the claim of the petitioner, the same was communicated to the petitioner by the Senior Deputy Collector-cum-Incharge, District Public Grievance Cell, Katihar, mentioning that upto the date of counselling the husband of the petitioner was a Ward Member and her application was not received by the Mukhiya at the time of Aam Sabha, on that account, the case of the petitioner was not taken into consideration for selection.

5. In the Interlocutory Application, it has specifically been stated that a representation was filed by the petitioner against the



appointment of private respondent No.6. But, the same was rejected without hearing the petitioner and without affording any opportunity to place her case. It has further been stated that the impugned order is a cryptic one as it does not disclose any reason,

6. It appears that the order which has been communicated to the petitioner is only a communication. The State has not produced the order passed by the District Magistrate, Katihar and whatever has been communicated to the petitioner is only a very cryptic one and it does not show the proper application of mind by the authority concerned inasmuch as when the application was filed by the petitioner, it was the duty of the District Magistrate, Katihar to give an opportunity of hearing to the petitioner and pass a reasoned order. That part has not been done by the District Magistrate, Katihar.

7. In such view of the matter, the order passed by the District Magistrate, Katihar and communicated through the Senior Deputy Collector-cum-Incharge, District Public Grievance Cell, Katihar dated 30.08.2013 is set aside. The matter is remanded to the District Magistrate, Katihar to reconsider the case of the petitioner and pass a reasoned order after giving notice to the petitioner and private respondent No.6. The petitioner as well as the private



respondent No.6 will be at liberty to place their respective cases before the District Magistrate, Katihar. The entire exercise shall be completed within a period of three months from the date of receipt/production of a copy of this order.

8. With the aforesaid observations and directions, this writ application is allowed.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	15.12.2016
Transmission Date	

