

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13404 of 2013

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Kumari Amrita W/o Sri Sashi Kant Yadav. Village - Amba, P.O. Bairampur, P.S. -
Biraul, District – Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department,
Government of Bihar, Patna
2. The Principal Secretary, Social Welfare Department, Government of Bihar, Patna
3. The Director, I.C.D.S. Directorate, Social Welfare Department, Government of
Bihar, Patna
4. The District Magistrate, Darbhanga
5. The District Programme Officer, Darbhanga
6. The Child Development Project Officer (CDPO), Biraul, District - Darbhanga
7. Mukhia, Gram Panchayat Raj Manor Bhauram, Biraul, District - Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lakmesh Marvind
For the Respondent/s : Mr. R.R. Sinha, SC-19 and
Mr. A.K. Sinha, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 26-10-2016

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

This matter relates to appointment of Anganwari
Sevika.

The basic grievance has been raised that every time
the advertisement is made for the post of Anganwari Sevika for
Manor Bhauram Panchayat, Amba South Anganbari Centre Code No.
237.

As per the petitioner, on different occasions, the



advertisement has been published for selection of Anganwari Sevika such as 2010. The advertisement was made of that centre and the petitioner applied for the said post, but the selection was not made. Again the post was advertised on 6.2.2012 including the post, which was subject matter of advertisement of 2010. As per the petitioner, the counselling was done and merit list/panel was published for different panchayats in accordance with clause 4 and 5 of the Anganwari Sevika/Sahayika Guidelines, 2011. A merit list/panel, which was prepared for selection of Anganwari Sevika for the said gram Panchayat, Anganwari Sevika Centre No. 237, was published on 17.3.2012 by the C.D.P.O., Biraul in which the petitioner has been shown in second place and in 1st place, the name of Renuka Ranjan is appearing.

The letter dated 2098 dated 3.5.2013 was issued by the Director, I.C.D.S., Bihar to all District Programme Officers to submit the latest report with respect to selection of Anganwari Sevika/Sahayika, but it appears that the process of selection could not be completed. A fresh advertisement was published on 21.6.2013 for the post of Anganwari Sevika/Sahayika, as per the claim of the petitioner, she does have all qualifications for having her place at serial no. 1, but has wrongly been shown at serial no. 2.

The counsel for the petitioner submits that as the life



of the panel, as per the Scheme of Anganwari Sevika, has three years and the panel was published in the year 2013 hence she should be adjusted as a Anganwari Sevika whereas the counsel for the State has submitted that the selection in pursuance of 2012 advertisement, could not be materialised on account of the fact that on the day of the counselling, there was a pandemonium at the venue of the selection place and on that account, selection could not be completed. The State has drawn attention of this Court to the letter no. 3792 dated 19.10.2012 (Annexure-C) as in the said letter it has been said that the Government has gone for delimitation feeder area changed with respect to the all gram panchayats of the State of Bihar, accordingly there would be a fresh selection according to the change of the configuration of the dominant caste but the said letter would not be applicable in a case when the entire selection process has completed. In the present case admittedly the selection has not been completed so much so that the position of the petitioner is second, she can only have grievance when the first has refused her claim for appointment as Anganwari Sevika and the petitioner has nowhere challenged provisional merit list where the name of other person is standing at serial no. 1, in such situation, this Court cannot give direction for appointment of the petitioner, but this Court directs that Deputy Director, I.C.D.S. must ensure the advertisement, selection

and appointment of the post of Anganwari Sevika/Sahayika with respect to Manor Bhauram Panchayat, Amba South Anganbari Centre Code No. 237 and that must be completed within six months from the date of receipt or production of a copy of this order.

With the above observation/direction, this petition is disposed of.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29.10.2016
Transmission Date	