

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7260 of 2014

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Sunita Kumari wife of Gajendar Singh, R/o village- Barahiya Kol,
Panchayat, Paamar, P.S.- Punpun, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar, through, Principal Secretary, Government of Bihar,
Patna
2. The District Magistrate, Patna
3. The District Programme Officer, Patna
4. The Chief Development Programme Officer, Punpun, Patna
5. Annu Purna Devi @ Annupurna Sinha Wife of Late Ram Naresh Singh,
Wife Gajendra Singh, R/o village- Barahiya Kol, Panchayat, Paamar, P.S.-
Punpun, District- Patna

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Kamala Kant Tiwary
Mr. Amit
For the State Mr. S.C. Yadav, GP-15

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 21-10-2016 Heard the counsel for the petitioner and the State.

In 2012, the respondent initiated the process for engagement/appointment as Aangan Bari Sevika of Centre No. 207. Upon evaluation, the respondent prepared a merit/select list, copy whereof is enclosed as Annexure-A to the counter affidavit. However, an objection to the selection of respondent no.5 was made by the petitioner as well as other persons.

From the counter affidavit, it appears that, on a consideration of the objection and on perusal of the records, it was



found that respondent no.5 could not be selected. Hence the respondent did not proceed to issue engagement/appointment letter in favour of respondent no.5. Instead, a fresh advertisement (Annexure-8 to I.A. No.8063 of 2016) was issued to select/appoint Aangan Bari Sevika for different Centres including the Centre in question. Aggrieved by the aforesaid steps taken by the respondent, the present writ application is filed.

By filing I.A. No. 8480 of 2016, the petitioner has prayed for quashing of the advertisement. She has also prayed for her engagement/appointment in place of respondent no.5. Referring to Clause 10.3 of the guideline issued by the government called 'Aangan Bari Sevika/Sahayika Ke Chayan Hetu Margdarshika 2011', it is submitted that in case the person at serial no.1 of the merit list is not selected, the District Programme Officer will take steps for selection of the second person in the merit list.

In the counter affidavit, the respondents have stated that no such representation/application was filed by the petitioner either before the Block Development Officer or any other officer superior to him. Instead, one person claiming himself as the husband of the petitioner has filed an application. It is further submitted that if an appropriate application is filed by the candidate, then the same shall be considered/examined in

accordance with law.

Considering the facts and circumstances of the case, this Court, while disposing of the writ application as well as the pending interlocutory application(s), would permit the petitioner to file a fresh representation before the respondent District Programme Officer ventilating her grievance as raised in this writ application. If any such representation is filed within 03 weeks, the District Programme Officer will consider the same and take appropriate decision and/or pass appropriate order in accordance with law as quickly as possible. It is further observed that in case the respondent District Programme Officer finds favour with the claim of the petitioner, then he shall take appropriate steps for her engagement irrespective of the steps already taken by the State respondent for initiating a fresh process of selection for engagement/appointment to the post of Aangan Bari Sevika for the Centre in question if the same has not been given finality.

(Kishore Kumar Mandal, J)

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