

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3795 of 2015

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Yasmin Parween, wife of Abdul Rasheed, resident of village- Asandapur, P.O. Jagarnatha, P.S. Uchakagaon, District-Gopalganj.

.... Petitioner.

Versus

1. The State of Bihar the Principal Secretary, Department of Social Welfare, Government of Bihar, Patna.
2. Deputy Director Welfare, Saran Division, Chapra.
3. The District Programme Officer, Child Development Project, Collectorate, Gopalganj.
4. Child Development Project Officer, Uchakagaon, Gopalganj.
5. Tamanna Parween, wife of Md. Ali, resident of village- Asandapur, P.O. Jagarnatha, P.S. Uchakagaon, District-Gopalganj.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ashish Giri, Advocate
: Mrs Muskan Ahluwalia, Advocate
For the Respondent/s : Mr. Abhinay Raj, AC to AAG-2
For Respondent No.5: Mr. Anil Kumar Jha, Sr. Advocate
Mr. Gajendra Nath Ojha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 28-03-2016

Heard learned counsel for the petitioner, State and respondent no.5.

2. The petitioner seeks quashing of the order, dated 14.02.2015, passed by the Deputy Director, Welfare, Saran Division, Chapra in Anganwari Appeal Case No. 1 of 2015 by which her appointment as Anganwari Sevika of Anganwari Centre No. 52, Uchakagaon, Gopalganj issued by the District Programme Officer, Gopalganj has been cancelled upholding the selection of respondent no.5, namely, Tamanna Praween.



3. The facts of the case is not in dispute. On 19.09.2013, an Aam Sabha took place for selection/appointment of Anganwari Sevika for Anganwari Centre No. 52 of Uchakagaon in the district of Gopalganj, for which petitioner, respondent no.5 and some others were also candidates. The name of respondent no.5 figured at serial no.1 and name of petitioner figured at serial no. 2. The Aam Sabha took a decision to appoint respondent no.5 as Anganwari Sevika, but some of the persons raised objection that brother of father-in-law of respondent no.5 was a Sarpanch. In view of the objections, a guide line was sought from District Programme Officer, Gopalganj vide letter dated 06.12.2014. In view of the opinion of the District Programme Officer, Gopalganj a selection letter was issued in favour of the petitioner. The District Programme Officer, Gopalganj was of the opinion that respondent no.5 stood disqualified for selection, as the brother of her father-in-law filed an appeal before the Deputy Director, Welfare, Saran Division, Chapra, who allowed the same and set aside the order, dated 16.12.2014, passed by the District Programme Officer, Gopalganj vide order dated 14.02.2015. Subsequently, selection letter was issued in favour of respondent no.5.

4. The petitioner has challenged the impugned order on the ground that the same has been passed in violation of principles of natural justice in so much so no hearing was given to her by

Director, ICDS.

5. I find substance in the submission of the learned counsel for the petitioner that impugned order is alone fit to be set aside on the ground that the same has been passed without affording an opportunity of hearing to the petitioner.

6. In the result, this writ application succeeds. The impugned order dated 14.02.2015 passed in Appeal Case No. 01 of 2015 and the consequential order dated 27.02.2015, appointing respondent no.5 as Anganwari are set aside and the matter is remitted to the appellate authority to hear the matter afresh after giving an opportunity of hearing to the writ petitioner. The respondent no.5 too would appear before the appellate authority within a period of four weeks from today to facilitate early disposal of the appeal. It is expected that the appellate authority would dispose of the appeal within a period of ten weeks from the date of receipt of a copy of this order.

7. With the aforesaid observation, this application stands disposed of.

(Samarendra Pratap Singh, J.)

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