

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9196 of 2013

Sumita Kumari Wife of Uday Kumar resident of village : - Mahamdalichak, P.S. : - Muffasil, District – Nawada.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna
2. The Secretary, Social Welfare Department Government of Bihar, Patna
3. The Director Social Welfare Department, Government of Bihar, Patna
4. The District Magistrate, Nawada
5. The District Welfare Officer, Nawada
6. The Child Development Officer Nawada, District Nawada
7. Mukhiya, Gram Panchayat Raj Samaj, Block Nawada, District - Nawada
8. Panchayat Secretary Cum Panchayat Sewak Samaj Block - Nawada, District : - Nawada
9. Kalpana Kumari Wife of Devendra Prasad resident of village : - Samaj, P.S. : - Mufassil, District : - Nawada

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 19195 of 2013

. Kalpana Kumari W/o Sri Devendra Prasad resident of Mohamdali Chak, P.O. Samaya, District- Nawada

.... Petitioner/s

Versus

1. The State of Bihar, through the Collector, Nawada
2. The Collector, Nawada, District- Nawada
3. The Director, Welfare Department, Govt. of Bihar Integrated Child Development Services Directorate, Bihar, Patna
4. The District Programme Officer, District Programme Office Collectorate Nawada
5. The Child Development Project Officer, Nawada Sadar Nawada

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 23137 of 2013

Shobha Kumari Wife of Sri Raghunandan Prasad resident of village - Mahmdalichak, P.O. / Panchayat - Samay, P.S. Mufassil, District – Nawadah.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Social Welfare Department,

Govt. of Bihar, Patna

2. The Divisional Commissioner, Magadh Division, Gaya

3. The D.M. - Cum - Collector, Nawadah

4. The Addl. Collector, Departmental Enquiry - Cum - Sr. Officer, District Public Complaint Cell, Nawadah

5. The Public Complaint Officer, Collectorate, Nawadah

6. The District Welfare Officer, Collectorate, Nawadah

7. The District Programme Officer, Nawadah

8. The Child Development Project Officer, Nawadah

9. The Sub - Divisional Officer, Sadar, Nawadah

10. The Circle Officer, Sadar Anchal, Nawadah

11. Smt. Kalpana Kumari Wife of Sri Devendra Prasad resident of village - Mahmadalichak, P.O. / Panchayat - Samay, P.S. Mufassil, District - Nawadah

12. Smt. Sunita Kumari Wife of Sri Uday Kumar resident of village - Mahmadalichak, P.O. / Panchayat - Samay, P.S. Mufassil, District - Nawadah.

.... Respondent/s

Appearance :

(In CWJC No.9196 of 2013)

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Respondent/s : Mr. Kumar Vikram, AC to GA-11

(In CWJC No.19195 of 2013)

For the Petitioner/s : M/s Ram Jiban Pd. Singh and
Madan Pd. Singh no. 2

For the Respondent/s : Mr. Mrityunjay Kumar, AC to GP-8

(In CWJC No.23137 of 2013)

For the Petitioner/s : Mr. Sidhendra Narayan Singh

For the Respondent/s : Mr. Mahboob Ashraf, AC to SC-27

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 24-06-2016

Heard learned counsel for the petitioners and learned counsel for the respondents.

In all the cases, the matter relates to appointment of Anganwari Sevika in Mahmadlichak Gram Panchayat, Centre no. 106. Altogether six persons applied for the post of Anganwari Sevika and out of six, one Kalpana Kumari was appointed.

An enquiry was conducted and it was found that the

appointment of Kalpana Kumari was bad, suffers from illegality and as such, she was not allowed to join the said post.

Before this Court three petitioners, namely, Sunita Kumari, Sobha Kumari and Kalpana Kumari have raised their respective grievances. With respect to Sobha Kumari it has been submitted that she has highest marks, but has wrongly been deprived of the appointment of Anganwari Sevika. In the enquiry report it has been shown that she is a daughter of that feeder area, she has already married to a person, who himself is a Government servant.

While arguing the case of Sobha Kumari, her counsel has relied upon a Circular of I.C.D.S, 30020/02-2011/3027, dated 22.11.2011.

The counsel for other petitioners have stated that guidelines-2011 will not be applicable in the present cases, rather guidelines-2010 will be applicable.

These are the disputed question of facts cannot be adjudicated in the present proceeding whether the selection and appointment of Kalpana Kumari is legal or illegal and why Kalpana Kumari was not allowed to join the post of Anganwari Sevika.

As these matters cannot be sorted out without examining the complexity facts related to the present case, in such circumstance, it will be appropriate that all the petitioners should approach and raise

their grievance before the District Programme Officer, I.C.D.S.

If the petitioners approach the District Programme Officer, I.C.D.S., he is obliged to give notices to all the concerned parties and after hearing them, decide the case within a period of six months from the date of receipt/production of a copy of this order. If he fails to decide the case, he must submit the report in this regard before this Court.

With the above observation/direction, these writ petitions are disposed of.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	28.06.16
Transmission Date	