

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11171 of 2013

Full Mani Devi, wife of Nageshwar Yadav, resident of Village Gulab Bigha, P.O.
+P.S. Madanpur, District Aurangabad (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar
2. The Divisional Commissioner, Magadh Division, Gaya
3. The District Magistrate, Aurangabad (Bihar)
4. The S.D.O. Aurangabad
5. The Child Development Project Officer, Aurangabad
6. The District Programme Officer, Aurangabad
7. Smt. Binda Kumari, wife of Indradeo Yadav, resident of Village Gulab Bigha,
P.S. Madanpur, District Aurangabad (Bihar)

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Gautam Kumar Yadav, Advocate.

For the State : Mr. Anjani Kumar, AAG 4

Mr. Sanjay Kumar, AC to AAG 4

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 12-08-2016

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

In the present writ petition, petitioner is challenging the
order dated 1.12.2011 passed in Anganwari Appeal No. 21 of
2011 by the Divisional Commissioner, Magadh Division, Gaya
and also challenging the order dated 20.8.2010 passed in
Angnwari Seva Appeal Case No.48 of 2010 by the District
Magistrate, Aurangabad, arrived to the conclusion that
respondent no.7 was wrongly deprived of her appointment
being a better candidate the claim of the petitioner has been

rejected. Petitioner filed an appeal after long lapse of time. He has not given any plausible explanation for condonation of delay and accordingly the appeal has been dismissed.

Learned counsel for the petitioner submits that when meeting of Gram Sabha was conducted respondent no.7 was absent and on that account petitioner was appointed as Anganwari Sevika. Appointment of the petitioner was challenged before the Collector, the Collector without hearing the petitioner set aside the appointment of the petitioner, the same was challenged before this Court. This Court remanded back the matter for fresh consideration. The Collector considered the case of the petitioner and respondent no.7 and after hearing both the parties did not find any merit with the case of the petitioner refused to pass favourable order in her favour. Learned counsel for the petitioner submits that the Commissioner should have heard the merit of the case and wrongly rejected the claim of the petitioner on the ground of limitation, further submits that at the relevant time respondent no.7 was at Orissa which is corroborated from the voter list.

The plea that has been taken by the petitioner, the name of respondent no.7 was standing in voter list at Orissa during that period it does not mean, she was sitting all through at the said place.

There is no material to show that on the day of counseling she was not present.

Admittedly respondent no.7 is better candidate than the petitioner. There is no reason to interfere with her appointment.

Accordingly this writ petition is dismissed.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
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