

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18369 of 2014

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Jaso Devi Wife of Makeshwar Yadav Resident of Village - Banadih, P.O. -
Sohjana, P.S. - Gidhaur, District- Jamui Petitioner

Versus

1. The State of Bihar.
 2. The Director, Integrated Child Development Services, Bihar, Patna.
 3. The Deputy Director, Welfare, Munger Division, Munger.
 4. The D.M. cum Collector, Jamui.
 5. The District Programme Officer, Jamui.
 6. The C.D.P.O., Gidhaur, P.S. Gidhaur, District - Jamui.
 7. Rita Kumari Wife of Mukesh Yadav Resident of Village - Banadih, P.O. –
Sohjana, P.S. - Gidhaur, District- Jamui. Respondents
- =====

Appearance :

For the Petitioner : Mr. Umesh Prasad, Advocate

For the Respondents : Mr. NADEEM SERAJ, GP 20

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 15-03-2016

The petitioner seeks quashing of order dated 6.9.2014, passed by the Deputy Director, Welfare, Munger Division, Munger (respondent no.3) allowing appeal of one Rita Kumari (respondent no.7) bearing Appeal no. 65 of 2013, reversing order dated 9.10.2013, passed by the District Programme Officer, Jamui (respondent no.5) in Case no. 4 of 2013-14.

2. Before I consider the rival submissions of the parties, it will be relevant to notice the facts of the case in brief:-

3. A General body meeting of Selection committee took place on 7.6.2013 for appointment of Anganwari sevika/sahaika for Center no.62 of village Banadih under Ratanpur Panchayat, Police Station Gidhaur, District Jamui. A panel of applicants in order of



their merit position was prepared. Name of the petitioner, and respondent no. 7 figured at serial no. 4 and 3 respectively. It is not clear that why Rekha Kumari and Usha Kumari, in spite of their placement at serial no. 1 and 2, were disqualified for being selected as Anganwari sevika. The next in order of merit was respondent no.7, who was placed at Serial no. 3 followed by the petitioner at Serial no.4. It appears that the petitioner filed a petition before Aam Sabha that another family member of respondent no.7, namely, her sister is already engaged as Anganbari Sevika/Sahika of neighbouring Sono block and as such latter's candidature should not be considered for the post of Anganbari Sevika of village Banadih under Ratanpur Panchayat, Police Station Gidhaur, District Jamui. The Selection committee accepted the submission of the petitioner and disqualified respondent no.7 for consideration to the post of Anganwari Sevika. The Selection committee then proceeded to select the petitioner, who was next in the merit list at Serial no.4. The petitioner was consequently appointed as Anganwari Sevika for Center no. 62 of village Banadih under Ratanpur Gram Panchayat vide letter dated 8.6.2013 of the CDPO, Gidhaur (respondent no.6). The Selection/appointment of petitioner was a cause for respondent no.7 to challenge her selection before the Programme officer giving rise to Case no. 65 of 2013, which was dismissed vide order, dated 9.10.2013. Respondent no. 7 carried the matter in appeal before the



Deputy Director, Welfare, Munger Division, Munger (respondent no.3) bearing Case no. 65 of 2013 against order, dated 9.10.2013 passed by respondent no.5. Respondent no.3 allowed the appeal of respondent no.7 on 6.9.2014 and set aside order, dated 9.10.2013. This time, the petitioner being aggrieved, has filed the instant writ petition.

4. Defending her selection and appointment orders dated 6.9.2014 allowing appeal of respondent no.7, the petitioner submits that the Selection committee rightly debarred respondent no.7 from selection to the post of Anganwari Sevika/Sahaika as her sister was also posted as Anganwari Sevika/Sahaika in one of the Panchayats of another block. Furthermore, the Selection process having started on 7.6.2013 was governed under 2011 guidelines. The petitioner states that only 2013 guidelines which came into effect on 10.6.2013 lifted ban on appointment of relatives of Anganwari Sevika/Sahaika declaring them not to be Semi Government or Government servant. In my view, the submission of petitioner is only noted to be rejected. It is the petitioner's case that the selection process, in hand, conducted prior to 10.6.2013 would be governed by 2011 guidelines of Welfare Department. The guidelines nowhere debarred the close relative of fellow Anganwari Sevika/Sahaika to be selected/appointed as Anganwari Sevika/Sahaika. 2013 guidelines merely clarifies that Anganwari Sevika or Sahaika are

not post in Government service. The issue was considered by a Division bench of this Court in case of Smt. Sajjan Devi Vs. State of Bihar, reported in 2004(2) PLJR 833. Paragraph 13 of the judgment is quoted herein below for easy reference:-

“the post of Anganwari Sewika is not a post in the Government service and as such the private respondents cannot claim protection under Article 311 of the Constitution of India”.

5. Thus, I find that the appellate authority rightly took the view that Anganwari Sevika is not a Government or semi Government employee, and candidature of respondent no.7 cannot be disqualified on the ground that her relative is also serving as Anganwari Sevika in another center.

6. In the result, there is no merit in the writ petition which is accordingly dismissed.

(Samarendra Pratap Singh, J)

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