IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 10385 of 2011

==========

Reena Kumari @ Reena Devi W/O Umesh Kumar Das @ Umesh Das Resident of Village-Purnadih, PO-Matia, PS-Barhat, Distt.Jamui.

.... Petitioner

Versus

1. The State of Bihar through the Secretary Welfare Govt.of Bihar Patna.
2. The Director Integrated Child Development Scheme, Bihar Patna
3. The Commissioner, Munger Division, Munger.
4. The District Magistrate Jamui
5. The District Programming Officer Jamui
6. The Child Development Project Officer Barhat Distt.Jamui

.... Respondents

==========

Appearance :
For the Petitioner/s : Mr. Bharat Lal
For the Respondent/s : AC to GP23

==========

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL JUDGMENT
Date: 08-01-2016

Heard Sri Bharat Lal, learned counsel for the petitioner and learned A.C. to Govt. Pleader – 23.

The petitioner, who is resident of village Purnadih, P.O. Matia, P.S. Barhat, Distt. Jamui and was appointed in view of decision of Aam Sabha, as Aanganwari Sevika, at Sugba Mahua Purnadih Aanganwari Centre in the year 2007, has approached this Court, invoking its writ jurisdiction under Article 226 of the Constitution of India, with a prayer to quash a communication, vide letter no. 91 dated 02-06-2011 issued under the signature of Child Development Project Officer/Respondent no. 6 (**Annexure – 7**), whereby the petitioner was directed to run her Aanganwari Centre at

WEB COPY NOT OFFICIAL

Sugba Mahua instead of Purnadih.

Learned counsel for the petitioner submits that in view of Clause 3 (ग) of guideline for appointment of Aanganwari Sevika/Sahaika, if order contained in **Annexure – 7** is allowed to be implemented, the petitioner will be disqualified from continuing as Aanganwari Sevika. He further submits that the respondent no. 6 had issued the impugned communication, as per direction issued by the District Programme Officer. He has referred to **Annexure – 6** and **6/1** to the writ petition i.e. representation filed by one social worker before the Hon'ble Social Welfare Minister, whereby request was made for transferring the Aanganwari Centre. He submits that ofcourse order impugned i.e. **Annexure – 7** was issued in the year 2011 itself, till date Aanganwari Centre, which is being run by the petitioner is running in the village Purnadih. The petitioner has also filed representation before the respondent no. 5/District Programme Officer raising her grievance, however; till date no decision has been taken.

By way of filing counter affidavit, the respondents have tried to justify the impugned order, but fact remains that once under the guideline for appointment of Aanganwari Sevika/Sahaika, there was a condition that only a resident of particular village will be entitled to be appointed as Aanganwari Sevika, allowing the

implementation of the order impugned, will certainly create a position whereby the petitioner may be disqualified as Aanganwari Sevika, if Aanganwari Centre is shifted from Purnadih to Sugba Muha. The submission made by learned counsel for the petitioner that the Aanganwari Centre is still continuing in the Purnadih village has not been disputed. Meaning thereby that order contained in **Annexure – 7** has not been implemented till date.

The Court is of the opinion that in view of nature of appointment of the petitioner and provisions contained in guideline for appointment of Aanganwari Sevika and Sahaika, certainly impugned order is not sustainable in the eye of law and as such, the order impugned i.e. **Annexure – 7** is, hereby, set aside.

The writ petition stands allowed.

(Rakesh Kumar, J.)

Anay

U			