

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.245 of 2015

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Sweta Suman Jha, wife of Anoj Kumar Mishra, Resident of Village- Simaria, Gram Panchayat- Kolhua, P.S. Khaira, District- Jamui

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Social Welfare Department, Government of Bihar, Patna
3. The Director, Social Welfare, I.C.D.S. Directorate, Bihar, Patna
4. The Deputy Director, Welfare, Munger Division, Munger
5. The District Programme Officer, Jamui
6. Kumari Maya, wife of Suraj Rajak,
7. Pushplata Kumari, wife of Dilip Kumar Mishra,
8. Kumari Raj Rajeshwari, wife of Subodh Kumar Mishra,
9. Rajpati Kumari, wife of Anoj Kumar Mishra, Respondent nos. 6 to 9 are resident of village- Simaria, Gram Panchayat- Kolhua, P.S.- Khaira, District- Jamui

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Ashok Kumar Choudhary, Advocate Mr. Manoranjan Kumar, Advocate Mr. Prakash Kumar, Advocate
For the Respondents	:	Mr. Ajay Kumar Rastogi, AAG-10 Ms. Smriti Singh, A.C. to AAG-10

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 09-08-2016

Heard Mr. Ashok Kumar Choudhary, learned counsel appearing for the petitioner and Mr. Ajay Kumar Rastogi, learned AAG-10 for the State.

The petitioner is aggrieved by the order dated 20.7.2013 passed by the District Programme Officer, a copy of which is present at Annexure-2, whereby the District Programme Officer on an assessment of the proceedings of the Aam Sabha in respect of appointment of Aanganwari Sevika, has held that the respondent no.6



was wrongly unsuited on grounds that her sister-in-law (Gotani) was working as a teacher in the Panchayat. The order of the District Programme Officer, Jamui impugned at Annexure-2 is affirmed by the Deputy Director, Welfare, Munger Division vide order passed on 30.9.2014 whereby the appeal preferred by the petitioner bearing Appeal Case No.44 of 2013 has been dismissed.

The fact of the case briefly stated is that following a selection process, the Aam Sabha while non suiting the respondent no.6 for the post of Aanganbari Sevika, Centre No.67, Kolhua Panchayat, Gidhour in the district of Jamui on grounds that her sister-in-laws (Gotani) was occupying a post of teacher, approved the candidature of the petitioner who was appointed as an Aanganbari Sevika in the year 2009 and has continued as such. These recommendations were considered by the District Programme Officer and who found that the respondent no.6, Kumari Maya had been wrongly unsuited by the Gram Sabha because there was no disqualification in appointment on the post of Aanganbari Sevika on grounds that sister-in-laws (Gotani) is holding a post of a teacher. The District Programme Officer also taking note of the comparative merit of the two candidates held that since Kumari Maya had obtained 75% marks in comparison to 54% marks obtained by the petitioner, she was a better candidate and upheld her candidature for the post. As a

consequence of the order passed by the District Programme Officer present at Annexure-2, the writ petitioner who had been appointed earlier had to make way for the respondent no.6 and since the appeal against the order of the District Programme Officer has been dismissed by the Deputy Director, Welfare and hence, the present writ petition.

On merits, the respondent no.6 has a better claim and the only issue raised in the present case is whether the appointment could be interfered after four years.

In my opinion, since the respondent no.6 has been wrongly unsuited by the Aam Sabha, the finding of the District Programme Officer, as affirmed by the appellate authority is only a rectification of the error committed in the year 2009. No cause for indulgence is made out in the decision so taken by the authorities impugned in the writ petition.

The writ petition is disposed of.

(Jyoti Saran, J)

N.H./-

AFR/NAFR	NAFR
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