

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16822 of 2016

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Pramila Kumari, Divorcee of Mintu Mahto resident of village - Pipradih, P.S.
Pipra Kothi, District - East Champaran

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Welfar Department, Govt. of Bihar, Patna
3. The District Magistrate, East Champaran, Motihari
4. The Deputy Development Commissioner, Tirhut Division, Muzaffarpur
5. The District Welfare officer, East Champaran, Motihari
6. The District Programme officer, East Champaran, Motihari
7. The Block Development officer, Pipra Kothi, District East Champaraan, Motihari
8. The Child Development Project officer, Pipra Kothi, District East Champaran, Motihari
9. The Mukhiya, Gram Panchayat Raj Vir Chapra, Block - Pipra Kothi, District - East Champaran, Motihari
10. The Panchayat Secretary, Gram Panchayat Raj Vir Chapra, Block - Pipra Kothi, District East Champaran, Motihari

.... Respondents

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Appearance :

For the Petitioner/s	:	Mr. Yugal Kishore, Sr.Adv. Mr. Shashi Bhusan Singh, Adv.
For the Respondent/s	:	Mr. Lala S.N.Rais, AC to GP2
For the intervener	:	Mr. Sharda Nand Mishra, Adv. Mr. Dhananjay Kumar Gupta, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 28-03-2017

Heard Mr. Yugal Kishore, learned Senior Counsel
appearing on behalf of the petitioner, learned counsel for the State and
the learned counsel for the intervener.

The petitioner prays for quashing of a letter dated 29.5.2015
of the District Programme Officer, East Champaran, Motihari,
whereby he has directed the Child Development Project Officer to
carry out an enquiry into the allegation of forgery in the documents
submitted by the petitioner and whereafter hold an Aam Sabha. The



order is impugned at Annexure 6 to the writ petition. The petitioner also prays for a direction to the respondent authorities to appoint her as Anganwari Sevika, Anganwari Centre No.11, Ward No.8, Gram Panchayat Raj Vir Chapra, Block Pipra Kothi, in the district of East Champaran, as according to the petitioner she is rated as the best candidate as per merit list so prepared, a copy of which has been placed on record as Annexure 1 to the writ petition.

It is while the matter is pending that an advertisement was issued by the respondents for carrying out selection afresh and which led to filing of an interlocutory application bearing I.A.No. 192/2017. Another interlocutory application has been filed by one Malti Devi through Mr. Sharda Nand Mishra, learned counsel, drawing the attention of this Court that following advertisement put to challenge to I.A.No. 1935/2017 a selection process has been initiated and the petitioner has also participated therein. In support the intervener has placed on record a merit list at Annexure 'C' to the said interlocutory application to submit that the name of the petitioner appears at serial no.3.

I have heard learned counsel for the parties and have perused the records.

While it is the argument of Mr. Yugal Kishore, learned Senior Counsel appearing for the petitioner, that in the previous



selection process which put the petitioner at serial no.1 of the merit list present at Annexure 1, the selection was obstructed by filing of a complaint, a copy of which is present at Annexure 4 and the Aam Sabha was stayed. He submits that the matter was enquired into and the Sub-divisional Officer by his letter dated 7.1.2015 directed the Child Development Project Officer to complete the selection process because no illegality was found in the documents submitted by the petitioner. A copy of such letter of the Sub-divisional Officer is present at Annexure 5. He submits that within a couple of month a second complaint was again filed and the District Programme Officer, an authority subordinate to the Sub-divisional Officer, stayed the selection process directing the Child Development Project Officer to enquire into the allegation of forged documents allegedly submitted by the petitioner. It is the argument of the learned counsel that it is being aggrieved that the petitioner has approached this Court.

The short submission made is that even when the allegation of forged documents against the petitioner has been found to be false and even when the petitioner was put at serial no.1 of the merit list vide Annexure 1, it is delayed action of the respondents which has prejudiced the claim of the petitioner to result in a fresh advertisement vide Annexure 8 to I.A.No. 192/2017. The argument of Mr. Yugal Kishore, learned Senior Counsel for the petitioner, is that the



respondents cannot be allowed to take privilege of its own lapses. Neither the State can be granted premium on the lapse nor the petitioner can be prejudiced by the delayed action of the respondents.

The argument of the learned Senior Counsel is contested by the learned counsel for the State as well as intervener Mr. Sharda Nand Mishra, who submit that it is in tune with the guidelines in force that a decision was taken to conduct selection process afresh and in which the petitioner has participated.

Having heard learned counsel for the parties and considering the materials on record the only issue that arises for consideration is whether the case of the petitioner would warrant an indulgence. I was almost persuaded with the argument of Mr. Kishore until I noticed that while the objections on the alleged submission of forged documents took place as back as in May, 2015, the petitioner with a laid back attitude did not chose to either question 2nd round initiation before the authority concerned or before this Court. Rather it is more than a year later that on 3.10.2016 the present writ petition is filed questioning the direction of the District Programme Officer dated 29.5.2015. Obviously since the initiation of selection in the year 2014 came to be obstructed for a period of more than two years for the reasons whatsoever, that the State decided to initiate selection process afresh in which the petitioner has admittedly participated as



confirmed by Annexure 'C' to I.A.No. 1935/2017. May be, if the petitioner would have approached this Court no sooner the direction impugned herein was issued in May, 2015 appropriate directions may have been issued to the authority for completion of the selection process. Apparently and to some extent it is the petitioner also who is to be blamed for the delay in raising grievance before this Court and the period in between, has given a reason for the respondents to initiate fresh selection process in which the petitioner has participated and merit list has also been published in which the name of the petitioner figures. In the circumstances, it would be for the authorities concerned to take the selection process to its conclusion bearing in mind the position of the petitioner in the previous selection process.

Let the authorities concerned ensure holding of Aam Sabha within a period of four weeks from the date of receipt/ production of a copy of this order.

Without expressing any opinion otherwise on the merits of the contest, the writ petition and the interlocutory applications are disposed of.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.04.2017
Transmission Date	NA



