

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16180 of 2008

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Anita Kumari @ Devi, wife of Abinash Chaudhary, resident of village- Khap Mishrauli, P.O.- Chakari, P.S.-Guthani, District- Siwan.

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Siwan
3. The District Welfare Officer, Siwan.
4. The Block Development Officer, Block Guthani, P.S.-Guthani, District- Siwan.
5. The Chief Development Project Officer, Block-Guthani, P.S.-Guthani, District- Siwan.
6. The Mukhiya, namely, Smt. Sundarkali Devi, wife of Gamala Prasad, resident of village-Jataur, Panchayat Jataur, P.S.-Guthani, District- Siwan.
7. Kumari Mala, wife of Krishnajeet Chauhan, resident of village- Khop Mishrauli, P.S.- Guthani, District- Siwan.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ram Chandra Sahni, Adv.

For the Respondent/s : Mr. Pankaj Kr. Singh, A.C. to G.A.-9

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 09-11-2017

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

In this case, the petitioner is challenging the appointment of respondent no.7 as Anganbari Sevika.

An advertisement was published for appointment of Anganbari Sevika for the centre-Panchnerua Khap Mishrauli under Gram Panchayat Raj Jataur, Block-Guthani within the district of



Siwan. The petitioner and private respondent no.7 have applied for the post of Anganbari Sevika. It is made clear that the post of Anganbari Sevika is not a civil post, so Article-311 does not apply in the present case. Aam Sabha was conducted on 11.04.2007, but the said Aam Sabha was suspended because of disturbance done by the participants. Subsequently, Aam Sabha was conducted on 18.04.2007 and result was published, but the name of the petitioner was not there. It has been alleged that Kumari Mala-private respondent no.7, who is at serial no.3 in the seniority list, was appointed as Anganbari Sevika though the petitioner was at serial no.1 was left out.

A counter affidavit has been filed by the State, wherein specific statement has been made that the petitioner is belonging to the backward class and as per the mapping register the centre was allocated to the extremely backward class, and as such, though the petitioner may have better marks cannot be appointed.

Learned counsel for the petitioner submits that it is not clear from the record that the centre was allocated to the extremely backward class. As per the petitioner, she was at serial no.1 should have been appointed as Anganbari Sevika inasmuch as it has further been stated that the name of respondent no.7 was not in the mapping list till 23.06.2007 and it does not stand to reason in what manner the



appointment of private respondent no.7 was done on 14.05.2007. Unless the name of the person is brought in the mapping list, she cannot be appointed.

As already more than nine years have elapsed and notice has also not been given to the other side, it will be proper that the matter should be looked into by the District Programme Officer, Siwan.

In such view of the matter, let the petitioner approach the District Programme Officer, Siwan, by way of filing a suitable representation. If such a representation is filed, the District Programme Officer, Siwan, after hearing other side will decide the same within a period of three months from the date of filing of representation by the petitioner.

With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	11.11.2017
Transmission Date	N/A.

