

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.541 of 2017

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Khusboo Kumari, Wife of Sunil Kumar Yadav, resident of Village - Haripur Kala,
Police Station - Bhargama, District - Araria.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Araria.
2. The District Magistrate, Araria, Bihar.
3. The District Programme Officer, Araria, Bihar.
4. The Child Development Project Officer, Bhargama, Araria, Bihar.
5. Smt. Neelam Devi, Ward Member -cum- Chairman, Selection Committee, Haripur Kala Panchayat, Bhargama, Araria.
6. Sri Yogendra Prasad Yadav, Observer, General Meeting, Haripur Kala Panchayat, Bhargama, Araria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Adv.

For the Respondent/s : Mr. Rajesh Kumar, AC to GP3

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 17-04-2017

Heard Mr. Ajay Kumar, learned counsel appearing for the petitioner and Mr. Rajesh Kumar, learned Assisting Counsel to Government Pleader No.3 for the State.

The petitioner was claimant to the post of Anganwari Sevika, Anganwari Centre No.111, Haripur Kala Panchayat, Bhargama in the district of Araria but the Aam Sabha has shown preference in favour of one Radha Kumari.

The entire selection process is engulfed with irregularities as noted by the District Programme Officer, Araria vide order present at Annexure-11 and affirmed at Annexure-14, holding the proceedings of the *Aam Sabha* as ante-dated. In so far as the present



petitioner is concerned, it has been noted that she was not even present.

Mr. Ajay Kumar, learned counsel appearing for the petitioner submits that once the authorities have accepted that the proceedings of the *Aam Sabha*, a copy of which is placed at Annexure-8, was ante-dated then the observation made therein regarding absence of the petitioner also has to go. He submits that the appointment of Radha Kumari has been held illegal in view of such irregularities and to that extent there is no infirmity in the order passed by the District Programme Officer present at Annexure-11 and affirmed by the Collector, Araria vide Annexure-14 but the illegality in the order is where they have directed for fresh appointment. According to the petitioner, since the petitioner in the panel of candidates was most suitable and the persons above her have withdrawn their candidature, in normal course the appointment should have gone to her and the respondents should have directed the authorities to hold fresh *Aam Sabha* on the basis of the panel so prepared. Learned counsel has also referred to the guidelines to submit that the panel was valid for a period of 3 years and thus on the date of passing of the order the panel was valid.

The argument of learned counsel for the petitioner is contested by learned counsel for the State to submit that since there



was irregularity in the selection process, it has been set aside and thus the order impugned suffers no infirmity.

Having heard learned counsel for the parties and considering the reason assigned in the impugned order(s) for rejecting the prayer of the petitioner for appointment, taking note of her absence in the *Aam Sabha* with nothing on record to demonstrate that the petitioner was present, I am of the opinion that the orders suffer from no infirmity requiring interference. That fresh selection process has been directed, the petitioner cannot be held prejudiced and would be at liberty to respond as and when the process is initiated by the respondents.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
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