

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17933 of 2016

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Swati Kumari @ Smt. Swati Kumari, wife of Deo Raj Kumar, Resident of
Village- Laxmipur, P.O.- Nirpur, P.S.- Chautham, District- Khagaria.

.... Petitioner

Versus

1. The State of Bihar, through Secretary, Social Welfare Department,
Bihar, Patna.
2. District Magistrate, Khagaria.
3. District Programme Officer, Khagaria.
4. Child Development Project Officer (C.D.P.O.), Chautham, District-
Khagaria.
5. Mukhiya, Nirpur Panchayat, Khagaria.
6. Panchayat Secretary, Nirpur Panchayat, Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Pravin Chandra Prasad, Advocate
For the Respondent s : Mr. Krishna Chandra Jha, A.C. to AAG-8

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 06-03-2017 Heard Mr. Pravin Chandra Prasad, learned counsel

for the petitioner and Mr. Krishna Chandra Jha, learned Assistant

Counsel to AAG-8 for the State.

The petitioner is aggrieved by the action of the
respondent-authorities in not getting the selection process
completed for appointment to the post of Anganwari Sevika which
was invited pursuant to the vacancy notified in the advertisement
no. 1/16 in relation to Centre no. 106, village-Laxmipur,
Panchayat-Nirpur, Ward no. 1, in the district of Khagaria.



The grievance of the petitioner is that although she was treated as first candidate for such appointment vide panel prepared (Annexure-7) and even though an Aam Sabha was held to ratify the decision so taken on, 07.09.2015 vide Annexure-C but owing to disturbances created by the members, the Aam Sabha was adjourned and thereafter no date was fixed. It is in these circumstances that the petitioner approached this Court and when the respondent-authorities were directed to explain the reason for not completing the selection process.

A counter affidavit has been filed in which it is stated that since certain complaints were received against the petitioner regarding her disqualification for appointment owing to the fact that her husband was holding employment on the post of Secretary, Dugdha Utpadan Samiti no. 579 and drawing monthly salary of Rs.15.000/-, that in the light of the guidelines present at Annexure-B, she was found to be ineligible.

Mr. Prasad, learned counsel for the petitioner, submits that not only the allegation is incorrect, any such decision was taken without giving opportunity to the petitioner.

I have heard learned counsel for the parties and have



perused the records.

A selection process having been initiated for appointment to the post Anganwari Sevika, it cannot be abandoned midway without any justifiable reason. The Child Development Project Officer (respondent no. 4) has justified this action in his letter dated 09.11.2016 but then it is on the mere allegation of one Renu Kumari against the petitioner that such decision has been taken on disqualifying the petitioner without giving her any opportunity to vindicate her stand on the allegation. In case, the petitioner is ineligible for such appointment in the light of the guidelines present at Annexure-B and on the ground set out in the allegation petition, certainly she cannot support her candidature, but she has the right to defend herself before a final order is passed thereon, and a selection process initiated cannot be abandoned simply on allegation so made against a candidate.

In the circumstances, the Child Development Project Officer, Chautham, District-Khagaria, who is stated to be the appointing authority of Anganwari Sevika, is directed to inform the petitioner on her ineligibility as reflected in his letter dated 09.11.2016 giving her reasonable opportunity to defend herself



and it is after affording opportunity of hearing to petitioner that final order be passed in the matter within six weeks of receipt/production of a copy of this order. Until a final decision is taken on the dispute raised, let there be a stay on selection of fresh Aganwari Sevika.

The writ petition is disposed of with the direction aforesaid.

(Jyoti Saran, J)

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