

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4013 of 2014

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1. Kumari Sunita Wife Of Sri Tuntun Sahni Residence Of Village- Kumarpur, Post + P.S. Bariyarpur, District- Munger

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Welfare Department, Govt. Of Bihar, Patna
2. The Director, I.C.D.S. Directorate Welfare Department, Govt. Of Bihar, Patna
3. The Divisional Commissioner Munger Division District- Munger
4. The District Magistrate, Munger
5. The District Programm Officer, Munger
6. The Child Development Project Officer, Munger
7. Bindu Kumari Wife Of Vidut Sharma Residence Of Vill.:- Kumarpur, Post + P.S. Bariyarpur, Distt. Munger

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. SADANAND PASWAN

For the Respondent/s : Mr. APURVA KUMAR, AC to GA-4

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL JUDGMENT

Date: 26-07-2017

Heard both sides.

2. The petitioner prayed for quashing the order dated 01.12.2012 in Misc. Case No. 62/11-12 (Annexure-7) by which the selection of the petitioner on the post of Aanganbari Sevika for Anganbari Centre No. 30 is cancelled by the Collector, Munger.

3. Learned counsel for the petitioner submits that the petitioner was selected as Anganbari Sevika in the year 2009. Prior to selection of the petitioner on the post of Anganbari Sevika, process of selection was made in the year 2007 but others preferred writ petitions



and it was found that the selection procedure has not been followed in accordance with law. It is further submitted that again the Collector, Munger by the impugned order as contained in Annexure-7, held that Bindu Kumari got highest marks in the merit list but she was not selected. The mapping register was also not found on the record and, it was found that without following the procedure for selection the petitioner was selected on the post of Anganbari Sevika. It is further submitted that Bindu Kumari is not fit to be posted on the post of Sevika, as her husband is working as Dalpati in the Panchayat and according to the provisions as contained in the Directives, 2006 3 (e), the relatives of the government servant cannot be appointed on the post of Sevika or Sahayika.

4. The counter affidavit has been filed. Learned counsel for the State submits that thereafter, in pursuance of the order of the Collector Munger, Aam Sabha was called for. In pursuance of the advertisement, Basanti Devi who was working as Sahayika has been selected as Sevika, Primary School, Kumarpur, Anganbari Centre No. 30. Basanti Devi has not been made respondent in this case. It is evident that the selection procedure in the year 2009 was initiated in pursuance of the order passed in C.W.J.C. No. 3491 of 2008. The selection of the petitioner was held illegal on the ground that no proceeding of Aam Sabha was found, even the mapping of the



majority of the people of the catchment area was not prepared. The petitioner has not brought on record any facts showing that there was mapping and the Aam Sabha selected the petitioner in accordance with law.

5. Having considered the facts aforesaid and submissions of the parties, I find that the appointment of the petitioner was illegal in view of the provisions of Clause 3(e) of the Directives of 2006 for appointment of Anganbari Sevika and Sahayika. The husband of the petitioner is working as Dalpati in the same Panchayat in a government service. Clause 3 (e) clearly stipulates that the relatives of a government service/public servant or the public representatives such as Mukhiya, District Member of Panchayat Samiti, such as daughter, grand daughter-in-law, wife are not eligible for appointment on the post of Anganbari Sevika and Sahayika.

6. Having considered the facts and discussions made above, I find no reason to interfere in the order. Accordingly, the writ petition is dismissed being devoid of merit.

(Prabhat Kumar Jha, J)

KKSINHA/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.08.2017
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