

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5294 of 2014

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1. Anita Devi Wife Of Chat Narayan Yadav Resident Of Village Bahoratola
Saraswati Ward No. 3 Police Station Sarsi, District- Purnea

.... Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary Social Welfare Department,
Govt. Of Bihar, Patna
2. The District Magistrate, Purnea
3. The Regional Development Officer, Purnea
4. The District Programme Officer, Purnea
5. The Child Development Project Officer, Banmankhi, Dist. Purnea
6. Anamika Kumari Wife Of Santosh Kumar Yadav Resident Of Village Bahora,
Ward No. 4 P.S. Sarsi Distt. Purnea

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surya Narayan Yadav

For the Respondent/s : Mr. GP-25 Ramadhar Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 07-08-2017

Heard both sides.

2. The petitioner in this writ petition prayed for quashing the order dated 01.02.2014, passed in Misc. Appeal No. 140 of 2013 by the Regional Development Officer, Purnea by which the Regional Development Officer, Purnea set aside the order of the District Programme Officer by which the selection of the petitioner on the post of Anganbari Sevika was found correct.

3. The brief facts which are relevant for the disposal of this writ petition are that Aam Sabha was held on 27.05.2013 for selection of Anganbari Sevika in Gram Panchayat Bahora. The



petitioner and respondent no. 6 were applicant and they claimed to be the residents of Ward No. 3 in which the Anganbari Kendra is situated. Admittedly, the respondent no. 6 Anamika Kumari stood first in the merit list but, she was not selected on the ground that she and her husband are the residents of Ward No. 4 and their names are at serial number 26 and 27 of the voter list of Ward No. 4. The respondent no. 6 filed objection before the District Programme Officer stating therein that the father-in-law and mother-in-law of respondent no. 6 are voters of Ward No. 3 and their names appear at serial no. 76 and 77 but, due to inadvertence names of respondent no. 6 and her husband was shown in the voter list of Ward No. 4. The respondent no. 6 also contended that they have got green ration card which shows that respondent no. 6 and her husband along with her father-in-law and mother-in-law are the residents of Ward No. 3. The District Programme Officer heard respondent no. 6 on her complaint and held the appointment of the petitioner legal on the ground that the Collector, Purnea issued additional directions for selection of Anganbari Sevika and Sahayika in the year 2013 (Annexure-A to the counter affidavit).

According to Clause 18 of the Directives for appointment of Anganbari Sevika and Sahayika, the name of the applicant should be mentioned in the voter list of the ward but, the



District Programme Officer did not take into consideration the ration card and the residential certificate, said to have been produced by the respondent in support of her case. The respondent no. 6 being aggrieved by the order of the District Programme Officer dated 14.09.2013 (Annexure-9) preferred appeal before the Regional Development Officer, Purnea Division, Purnea and the Regional Development Officer, Purnea found, relying on the residential certificate and the ration cards, that respondent no. 6 Anamika Kumari is the resident of Ward No. 3 and accordingly set aside the order of the District Programme Officer and directed the District Programme Officer to appoint respondent no. 6 on the post of Sevika of Ward No. 3.

4. Learned counsel for the petitioner submitted that the respondent no. 6 did not annex the residential certificate or the ration cards along with her memo of appeals filed before the Regional Development Officer, Purnea Division Purnea. The residential certificate issued by the respondent no. 6 appears to be fake. It is further submitted that, let the respondent no. 6 be allowed to work and the Regional Development Officer, Purnea be directed to hold enquiry with regard to genuineness of the residential certificate of the respondent no. 6 and pass order afresh in accordance with law. On such submission learned counsel for the State submitted that, if the



respondent no. 6 is allowed to work enquiry may be held.

5. Considering the facts aforesaid, I am disposing this writ petition with a direction to the Regional Development Officer, Purnea Division Purnea to hold an enquiry about the genuineness of the residential certificate and other documents such as ration cards of the respondent no. 6 Anamika Kumari and pass order afresh. Till further order the respondent no. 6 shall be allowed to work as Anganbari Sevika and it is expected that the Regional Development Officer, Purnea shall pass order within four months from the date of receipt of this order.

6. With the aforementioned observations and directions this writ petition is disposed of.

(Prabhat Kumar Jha, J)

KKSINHA/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.08.2017
Transmission Date	NA

