

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6505 of 2014

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1. Sunita Kumari Wife Of Shri Sanoj Kumar, Resident Of Village - Ghutkuawn,
P.S. Fatehpur, District - Gaya

.... Petitioner/s

Versus

1. The State Of Bihar, Through The Chief Secretary
2. The Secretary Social Welfare Department, Government Of Bihar, Patna
3. The Director, Social Welfare Department, Government Of Bihar, Patna
4. The Director, I.C.D.S., Patna
5. The Director Welfare, Magadh Commissioner, Gaya
6. The District Magistrate, Gaya
7. The District Welfare Cum - Programme Officer, Gaya
8. The District Panchayati, Raj Officer, Gaya
9. The Child Development Officer, Fatehpur, Gaya
10. Simpi Kumari Wife Of Bablu Kumar Resident Of Village - Ghutkuwan, P.S.
Fatehpur, District - Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad
For the Respondent/s : Mr. Avinash Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 02-11-2017

Heard the learned counsel for the petitioner, the learned
counsel for the State and the learned counsel for respondent No.10.

The petitioner, in this writ petition, seeks quashing of the
order dated 13.01.2014 passed by the Deputy Director, Welfare, Magadh
Division, Gaya in Anganwari Appeal No. 6 K/2013 by which the order
dated 29.06.2013, as contained in memo No. 1430, passed by the District
Programme Officer, Gaya has been set aside and the selection of appellant,
Simpi Kumari, (respondent No.10 herein) on the post of Anganwari Sevika
of centre, Ghutkuwan, code No. 143, has been restored.



The learned counsel for the petitioner submits that name of the petitioner figured at serial No.2 in the merit list but the petitioner was not selected on the ground that petitioner passed matriculation in compartmental examination and petitioner is not the resident of the nutritional area. The learned counsel for the petitioner further submits that the District Programme Officer in his order dated 29.06.2013 has very categorically held that in case of dispute with regard to residence of a candidate a certificate should have been asked for but the selection committee ignored the claim of petitioner and selected Simpi Kumari, respondent No.10, whose name appear at serial No.5 in the merit list. The District Programme Officer stayed the selection and directed the selection committee to appoint the petitioner. Thereafter, Simpi Kumari preferred appeal and the Deputy Director, Welfare, set aside the order of District Programme Officer and directed that Simpi Kumari be selected and allowed to work as Anganwari Sevika. It is submitted that petitioner is resident of village Lodwa Ghutkuwan. The Circle Officer, Fatehpur issued a residential certificate and, therefore, the petitioner is entitled for appointment.

Counter affidavits have been filed on behalf of the State as well as respondent No. 10. The respondent No.10 has annexed Annexure-A to the counter affidavit and submitted that petitioner is resident of another village and her name appears at serial No. 1406 of Rajauli reserved assembly constituency. The name of her husband also appears at serial No. 709 of the same constituency. The petitioner did not file any residential



certificate along with her application and the selection committee, therefore, rightly rejected the candidature of the petitioner and found her unsuitable on the ground that she is not the resident of nutritional area, Bhutkuwan. Thus, the order does not require any interference.

Having considered the facts and submissions of the parties, I find that, of course, the petitioner got 77% marks in matriculation examination but she passed matriculation in compartmental examination. The petitioner is also one of the applicants but the learned counsel for the State could not be able to show that petitioner submitted her residential certificate along with the application for selection on the post of Anganwari Sevika. The Deputy Director, welfare, has very categorically stated in his order that petitioner is resident of another area and there is no document attached with the application of the petitioner that she is resident of the nutritional area.

Considering the facts aforesaid, I do not find any good ground to interfere in the order of Deputy Director, Welfare. This writ petition is, accordingly, dismissed as devoid of any merit.

(Prabhat Kumar Jha, J)

BKS/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	13.11.2017
Transmission Date	N.A

