

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2184 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 2043 of 2014**

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Smt. Rupam Kumari, W/o Sri Manoj Kapri, Resident of Village- Durmatta, within Block and P.S.- Sangrampur, District- Munger

.... Appellant/s

Versus

1. The State of Bihar
2. The Director (ICDS), Social Welfare Department, Government of Bihar, Patna
3. The Commissioner, Munger Division, Munger
4. The District Magistrate, District-Munger
5. The District Programme Officer, District-Munger
6. The Child Development Project Officer, Sangrampur, District- Munger
7. The Gram Panchayat Raj Dumatta, P.S. Sangrampur, District- Munger
8. The Chairman, Selection Committee of Anganwari Sevika, Code No. 69, Centre Durmatta- 1 Within Durmatta Gram Panchayat Raj, P.S.- Sangrampur, District- Munger
9. Reeta Devi, W/o Sri Jai Nandan Paswan, Resident of Village- Durmatta, P.S.- Harpur, Block - Sangrampur, District- Munger

.... Respondent/s

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Appearance :

For the Appellant : Mr. Avanindra Kumar Jha, Advocate
For the State : Mr. Sidharth Shankar Pandey, A.C. to S.C. 28
For Respondent No. 7 : Mr. Subodh Kumar Jha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 03-04-2017

Delay in filing of the Letters Patent Appeal is condoned. I.A. No. 9482 of 2015 stands allowed.

2. Seeking exception to an order dated 30th of September, 2015 passed by the learned Writ Court in C.W.J.C. No. 2043 of 2014 directing for holding fresh selection for appointment on the post of Anganwari Sevika this appeal has been filed by the



present appellant who was Respondent No. 9 in the original writ petition.

3. It was tried to be argued before us that the selection of the appellant has been held to be vitiated only on account of the fact that her appointment was in violation to the guidelines. It is stated that there was no violation to the guidelines and, therefore, the finding of the learned Writ Court was unsustainable.

4. On going through the order passed by the learned Writ Court, we find that the learned Writ Court in the order has come to the conclusion that there are over bearing material and evidence to show that the entire selection was illegal. Even though the learned Writ Court has not specifically dealt with the illegalities, we find that after the selection was conducted the District Magistrate, Munger received complaint with regard to the selection and to enquire into the complaint, he directed the Sub-Divisional Officer, Kharagpur to cause an inquiry. Available in the record of the writ petition is Annexure-12 dated 02.07.2014 a detailed Inquiry Report submitted by the Sub Divisional Officer running to more than three pages and the Sub Divisional Officer has highlighted various illegalities in the process of selection which includes conduct of the selection process by the Gram Sabha when the President, Sevika and other officers were not present, by certain persons in an unauthorized manner. It is



also seen that the proceedings of the Gram Sabha for selection was held by an unauthorized person that also by fulfilling the Coram by inducting unauthorized persons.

5. We have perused the order, Inquiry Report (Annexure-12) and we find that large scale irregularities in the selection process have been pointed out in the Inquiry Report and if taking note of all these factors the learned Writ Court has directed for fresh selection, we see no error in the same warranting reconsideration.

6. The Letters Patent Appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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