

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.409 of 2016

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Shima Devi Wife of Kundan Paswan, Resident of Village- Ghugha, Ward No. 1,
Barwa Kala Panchayat, P.S.- Ghorasahan, District- East Champaran

.... Petitioner

Versus

1. The State of Bihar through the Collector, East Champaran at Motihari
2. The District Programme Officer, East Champaran at Motihari
3. The Block Development Officer, Ghorasahan, District- East Champaran
4. The Child Development Project Officer, Ghorasahan, District- East Champaran
5. The Sub-Divisional Officer, Sikrahna Dhaka, East Champaran

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon, Adv.

For the Respondent/s : Mr. Rakesh Kumar Sharma, AC to SC-9

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 17-04-2017

Heard Mr. D.K.Tondon, learned counsel appearing for the petitioner and Mr. Rakesh Kumar Sharma, AC to SC-9, for the State.

Uncontested position is that the process for appointment of Anganwari Sevika, Ward No.1, Barwa Kala Panchayat, Ghorasahan Block, in the district of East Champaran initiated way back in the year 2013 was abandoned midway on a complaint being filed against the candidates so selected. Since a period of more than one year had passed and the selection process remained inconclusive that the respondents by following the guidelines of 2011 have decided to initiate selection process and accordingly, an advertisement has been published as accepted by Mr. Tondon, learned counsel for the petitioner, bearing Advertisement No. 1/2016, a copy of which is



produced by Mr. Tondon while the matter is being taken up.

The Barwa Kala Panchayat under Ward No.1 is notified at Serial No.160 of the advertisement. Mr. Tondon, learned counsel for the petitioner, in reference to Clause 12 of the advertisement bearing Memo No. 1820 dated 21.12.2016 issued under the signature of the District Programme Officer, East Champaran submits that such of the appointment in which a dispute is pending before the competent forum, have been kept out from the selection process and thus, according to Mr. Tondon, the selection process in so far as Barwa Kala Panchayat, Ward No.1, Ghorasahan Block, in the district of East Champaran is concerned, is yet open for being filled up.

Having heard learned counsel for the parties and considering that the respondents have already initiated selection process by issuing a fresh advertisement bearing No. 1/2016, I am of the opinion that the earlier process against which complaint is made requires no indulgence. In case the selection process in so far as the present centre is concerned has already begun and application(s) received from the intending candidates, then nothing is to be done. However, in case the selection process has yet not initiated by virtue of present contest and in view of Clause 12 of the advertisement, then in that case the petitioner and similarly situated applicants can be permitted to participate in the selection process.



The writ petition is disposed of with the directions and observations aforementioned.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.04.2017
Transmission Date	NA

