

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13277 of 2010

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1. Pravin Ara W/O Abdul Wahid Ansari R/O Vill.- Vishambharpur, Block-
Manjhaulia, P.S.- Bettiah Mufassil, Distt.- West Champaran, Presently Posted As
Aanganbadi 'Sevika' At Ward No.05, Village + Panchayat - Vishambharpur, P.S.-
Bettiah Muffasil, Distt.- West Champaran

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, West Champaran At Bettiah
3. The District Welfare Officer-Cum-The District Programme Officer West
Champaran At Bettiah
4. The Sub-Division Officer, Bettiah Sadar, West Champaran
5. The Child Development Project Officer, Majhaulia, District-West Champaran
6. The Mukhiya, Gram Panchayat Raj Vishambharpur, P.S.- Bettiah Mufassil,
West Champaran
7. Panchayat Secretary, Gram Panchayat Raj Vishambharpur, P.S.- Bettiah
Mufassil, Distt.- West Champaran
8. Nasima Khatoon W/O Aftab Alam R/O Vill.- Vishambharpur, Block- Majhaulia,
P.S.- Bettiah Mufassil, Distt.- West Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. U. C. Verma
For the State : Mr. Ajay, GA-5,
Mr. Ashish Kumar Lal, AC to GA5

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 02-04-2018

Heard learned counsel for the petitioner and learned
counsel for the State.

In the present case, the petitioner is challenging the
appointment of Nasima Khatoon (respondent no.8), as stated that
she cannot be appointed to the post of Anganwari Sevika as she
is still working as Panchayat Teacher in Rajkiya Prathmik



Vidyalaya, Khairwa Kothi, Gram Panchayat Raj, Parsauni, Block Paharpur, District West Champaran since 16.10.2010

The matter relates to appointment of Anganwari Sevika of Center No.199 for that five applications were received. Seniority list was prepared, at the top the name of Chaman Kausar whose father-in-law was teacher, her application was rejected. Second was Rehana Khatoon. She had not attached the original marks sheet, Third one was Rubi Kumari, she was out side the feeder area as well as she did not file any objection about her non-consideration, two female remained in contest, one was Nasima Khatoon and seoncd was Parveen Ara.

Earlier Parveen Ara was selected. Again Nasima Khatoon approached this Court vide C.W.J.C. No.11429 of2007 and this Court vide order dated 4.12.2009 remanded back the matter to the Collector to pass a reasoned order and accordingly the Collector passed the order which is under challenged.

Respondent no.10 has appeared. In paragraph 4 of the counter affidavit she has specifically stated that she has been working as Panchayat Teacher since 16.10.2010. When she has been working the question of her appointment as Anganwari Sevika does not arise. It will be relevant to quote paragraph 4 of the counter affidavit of respondent no.8, namely, Nashima



Khatoon:

“4.That, at the very outset, the answering respondent no.8 submits that she never works on the post of Anganwari Sevikain at Ward No.05-06 in Gram Panchayat Raj, Vishambharpur, within Block Majhaulia, District West Champaran, after her selection to the post, rather she immediately after her selection, she joined the post of Panchayat Sikshak in Rajkiya Prathmik Vidyalaya, Khairwa Kothi, Gram Panchayat Raj, Parsauni, Block Paharpur, District East Champaran, on 16.10.2010 itself.”

In such view of the matter, the order of the Collector, West Champaran, Bettiah dated 3.8.2010 is set aside and the matter is remanded back to the District Programme Officer, West Champaran, Bettiah who will be obliged to give direction to the Mukhiya of Panchayat to get the appointment of the petitioner as Anganwari Sevika if vacancy is already there in accordance with law.

Accordingly this writ petition is allowed.

Vinay/-

(Shivaji Pandey, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	9.4.2018
Transmission Date	NA

