

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3593 of 2011

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1. Most. Neelam Kumari, W/O Late Mahesh Sahu, Resident of Village- Manasara, Block- Gaura Bauram, P.S- Jamalpur, District- Darbhanga.

2. Gita Devi, W/O Sri Ganga Prasad Sahu, Resident of Village- Manasara, Block- Gaura, Bauram, P.S- Jamalpur, District- Darbhanga.

.... Petitioners

Versus

1. The State of Bihar

2. The Commissioner, Commissionerary Darbhanga.

3. The District Magistrate, Darbhanga.

4. The District Programme Officer, Darbhanga.

5. The District Welfare Officer, Darbhanga.

6. The Block Development Officer, Gaurabauram, District- Darbhanga.

7. The Child Development Programme Officer, Gaura, Bauram, District- Darbhanga.

8. The Mukhiya, Gram Panchayat Raj Manasara, Block- Gaura Bauram, P.S- Jamalpur, District- Darbhanga.

9. The Panchayat Sevak, Gram Panchayat Raj Manasara, Block- Gaura Bauram, P.S- Jamalpur, District- Darbhanga.

10. The Ward Member, Ward No.3, Gram Panchayat Raj, Manasara, Block- Gaura Bauram, P.S- Jamalpur, District- Darbhanga.

11. Lalita Devi, W/o Arjun Sahu, Aganwari Sevika, Aganwari Centre Of Ward No.3, Gram Panchayati Raj Manasara, Block- Gaura Bauram, P.S- Jamalpur, District- Darbhanga.

12. Fulo Devi, W/o Shyam Sunder Sahu, Aganwari Sahaika, Aganwari Centre Of Ward No.3, Gram Panchayat Raj- Manasara, Block- Gaura Bauram, P.S- Jamalpur, District- Darbhanga.

.... Respondents

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Appearance:

For the Petitioners : Mr. Kaushal Kumar Jha, Advocate.

For the Respondents-State: Mr. Suresh Kumar, AC to GP 1.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT



Date: 19-01-2018

Heard learned counsel for the petitioners and learned counsel representing the State.

2. Petitioners in the present case is seeking a direction to the respondent no. 3, the District Magistrate, Darbhanga to cancel the alleged back-date selection of Anganwadi Sevika and Sahayika of Ward No. 3, Gram Panchayat Raj Mansara Block Gaura Bauram, District Darbhanga and to take legal action against the Selection Committee. Petitioners have also prayed for a direction to issue selection letters to the petitioners as, according to them, they were found legally entitled for the said appointment.

3. In the Writ Application, some specific allegations have been made against the Selection Committee. Petitioners have alleged that they had got the highest marks and, therefore, they should have been appointed / engaged as Anganwadi Sevika and Sahayika. It is alleged that an AAM SABHA was fixed on 05.05.2010 but the Coram was not complete, therefore, a next date was fixed on 12.05.2010 but when the petitioners obtained information they got to know that the Selection Committee had already selected Anganwadi Sevika and Sahayika with back dates. It is also stated that they have made public petitions before the C.D.P.O., Gaura Bauram to make enquiry and to punish the responsible officers / authorities. Copies of the public



petitions are enclosed as Annexures 6 & 7 respectively. It is further stated that the Block Development Officer, Gaura Bauram had enquired about the said selection and had directed to the C.D.P.O., Gaura Bauram that the said selection has raised question itself. An application was also made by the petitioners before the District Magistrate, Darbhanga but, according to them, the authority has not passed any order till date of filing of the petition.

4. In this case, a Counter Affidavit has been filed on behalf of respondents no. 3, 4 and 7. It appears that the affidavit was sworn on 03.08.2011. In Paragraph 13 of the Counter Affidavit it is stated that the decision taken by the Mukhiya / Panchayat Sachiv in the AAM SABHA meeting held on 20.09.2009 was concealed and not communicated to the respondent government officials for which the respondent no. 7, the C.D.P.O., Gaura Bauram vide her letter no. 333 dated 13.07.2010 sought for an explanation from the concerned Mukhiya / Panchayat Sachiv, Gram Panchayat Raj Manasara for further needful action. A plea has also been taken in Paragraph 14 that the petitioners ought to file a case for redressal of their grievance before the District Magistrate before filing of the instant Writ Application.

5. On the last date when the matter was taken up on 04.01.2018, learned counsel for the State sought accommodation to



obtain instruction as to the latest development in the matter. On his prayer, the case was adjourned for 15.01.2018 for final disposal. Today when the matter has been taken up, learned counsel for the State has informed this Court that the Mukhiya and Panchayat Sachiv did not submit their reply to the explanation sought from them vide letter no. 333 dated 13.07.2010. This is all that the State has been able to convey.

6. In the facts and circumstances as appearing from the records it appears that finding some reasons the respondent no. 7, the C.D.P.O., Gaura Bauram had sought an explanation from the concerned Mukhiya / Panchayat Sachiv but the same has not been replied and thereafter no further action has been taken by the State authorities. The plea taken in the Counter Affidavit that the petitioners should have approached the District Magistrate before filing the instant Writ Application is a fallacious kind of plea. In the Writ Application itself, the petitioners have categorically stated that they had approached the District Magistrate and a written complaint in this regard, copy of which has also been enclosed as Annexure-10 to the Writ Application was submitted. This Court has, therefore, reasons to believe that despite the petitioners having approached the competent authority in terms of the guidelines issued by the government in the year 2010, their grievances have not been redressed and only by



issuing a letter asking explanation as back as in the year 2010 the respondent no. 7 has done no good. It is a case of inaction on the part of the State authorities in proceeding with matter and taking it to a logical end.

7. This Writ Application is of the year 2011 and if during 7 years of pendency of the Writ Application nothing has been done by the respondent no. 7 and respondent no. 3, it clearly shows their way of functioning and the beaurocratic approach in which an enquiry remained pending in same status as it was eight years back. It is not speaking good about the claim of the State to attend a complaint in these kind of matters with some urgency / promptness.

8. Instead of keeping the Writ Application pending, without expressing any opinion on the allegations made in the Writ Application, for the present the Writ Application is being disposed of with a direction to the District Magistrate, Darbhanga to look into the complaint as contained in Annexure 10 to the present Writ Application and get the matter enquired into within a time frame as seven years have already gone past from the date of submission of the application before him and thereupon pass an appropriate order after giving an opportunity of hearing to the petitioners as well as the private respondents. The entire exercise must be completed within a period of three months from the date of receipt / production of a copy



of this order. Non-compliance / non-adherence with the time frame fixed by this Court shall be viewed seriously in the facts of this case.

9. The Writ Application is disposed of with the directions / observations aforesaid.

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	23.01.2018
Transmission Date	N/A

