

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17951 of 2008

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Bibi Naheda Begam, wife of Sohrab Alam, resident of Village Bhebra Tola
Karbala, P.O.+ P.S. Jokihat, District Araria

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director Welfare, Government of Bihar, Patna
3. The District Magistrate, Araria
4. The District Welfare Officer, Araria
5. The Sub-Divisional Officer, Araria
6. The District Programme Officer, Child Development Cell, Araria
7. The Child Development Project Officer, Jokihat, Araria
8. The Mukhiya, Sisauna Gram Panchayat, Jokihat Block, District Araria
9. The Panchayat Secretary, Sisauna Gram Panchayat Jokihat Block, District Araria
10. Mujhat Parween, wife of Mahboob Alam, resident of Village Kashibari, Tola Bhebra, P.O. & P.S. Jokihat, District Araria

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandan Prasad

For the State : Mr. Brajesh Kumar, AC to AAG-4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 09-02-2018

Heard learned counsel for the petitioner and learned counsel for the State. But learned counsel for the private respondent is not present.

Supplementary counter affidavit has been filed by the State and explained the cause of delay in not filing the counter affidavit in time.

The present matter relates to appointment of Anganbari Sevika in Bhebra Tola Karbala Anganbari Kendra of Sisauna Gram Panchayat under Jokihat Block of the District of Araria. Altogether five persons had applied for the post of Anganwari



Sevika attaching their respective testimonials qualification acquired by them, on selection, respondent no.10 has been appointed as Anganwari Sevika. The petitioner had also produced her testimonials to assert her claim for the post of Anganwari Sevika but respondent no.10 having lesser marks was appointed and petitioner was left in lurch whereafter the petitioner approached to different authorities taking plea though she has better marks than respondent no.10 as she has obtained 64.41% marks in Fauquania which is equivalent to the Matric and 74.58% marks in Maulvi which is equivalent to Intermediate whereas respondent no.10 has obtained 52% marks in Fauquania and 55% in Maulvi. So admittedly the marks obtained by the petitioner is in higher side but ignoring her claim respondent no.10 has been appointed. He approached to Sub Divisional Officer, Araria and filed representation but that has not given any result, ultimately the petitioner has filed the present writ petition.

In paragraph 5 of the supplementary counter affidavit filed by the State through C.D.P.O. it has been stated that the proceeding of Gram Sabha meeting with respect to selection of Anganwari Sevika bears only signature of Mukhiya of Gram Panchayat Sisauna and does not bear the signature of other members of the Gram Panchayat and further said that as the petitioner has obtained highest marks compared to other



candidate and present incumbent herself has doubted the genuineness of the selection process. Notice of present proceeding has been served upon respondent no.10, she has appeared through her lawyer and power has been filed by the Advocate concerned but no one is present on her behalf.

The State by and large has accepted the plea of the petitioner that petitioner has obtained highest marks and even then she has been ignored the appointment on the post of Anganwari Sevika and in her place respondent no.10 has been selected though having lesser marks. On the face of it, this Court finds the selection and appointment of respondent 10 is illegal.

In such view of the matter, the selection and appointment of respondent no.10 is quashed and this Court directs the District Magistrate, Araria and District Programme Officer, Araria to ensure the appointment of the petitioner to the post of Anganwari Sevika. Whole process must be completed within a period of four weeks from the date of receipt/production of a copy of this order.

Accordingly this writ petition is allowed.

Vinay/-

(Shivaji Pandey, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.2.2018
Transmission Date	NA

