

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 6515 of 2013

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1. Rehana Khatoon W/O Nauser Alam (Sevika) R/O Village - P.S.- Khanpur, P.S.-
Derani, District- Saran (Chapra)

2. Bachchi Devi W/O Anil Ram (Sevika) R/O Village And P.O.- Khanpur, P.S.-
Derani, District- Saran (Chapra)

.... Petitioner/s

Versus

1. The State Of Bihar

2. The Commissioner-Cum-Secretary Social Welfare Department, Bihar, Patna

3. The Director, Social Welfare Department, Bihar, Patna

4. The Deputy Director Social Welfare Department, Saran Division, Saran

5. The District Magistrate, Saran

6. The Child Development Project Officer Dariyapur, Saran At Chapra

7. The District Welfare Officer, Saran

8. The S.D.O., Sonapur

9. The Deputy Development Commissioner, Saran At Chapra

10. The Mukhiya, Gram Panchayat Khanpur, Dariyapur, District- Saran

.... Respondent/s

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Appearance :

For the Petitioner/s : M/s Sudama Singh, Surendra Kr Mishra &
Rabindra Nath Singh, Advocates

For the State : Mr Sajid Salim Khan, SC XXV

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 11-05-2018

Heard learned counsel for the petitioners and the
respondent-State.

2 It is submitted by the petitioners' counsel that the
petitioners' selection as Anganbadi Sewika was in accordance with
law done in June, 2007 and that only on the basis of alleged
irregularity in the case of one selected candidate, namely, Sabita
Kumari, the selection of all the candidates made in the 7 Panchayats



have been cancelled. It is further submitted that there was no specific allegation against the petitioners and that the petitioners have not been afforded adequate opportunity of hearing in compliance of the principles of natural justice. In support of his contention, learned counsel for the petitioners relies upon the order passed by the Commissioner, Saran Division, Chapra in Anganbadi Appeal No 89 of 2011. The order is dated 27.09.2012 and is Annexure 5 to the writ petition. It is submitted that from perusal of the same, it is apparent that the order has been passed without hearing the petitioners.

3 Counsel for the respondent-State, on the other hand, submits that the selection of a large number of Anganbadi Sewika in seven Panchayats made in June, 2007 was cancelled due to gross irregularity in the process of selection which was noticed by a Committee which was constituted to look into the alleged irregularity. There is no specific allegation of specific illegality committed by the petitioners but the selection made in the whole area including the petitioners' Panchayat has been cancelled and it has been directed to make selection afresh since gross irregularity was found in the enquiry conducted by the Committee. It is submitted that the appointments were cancelled as far back as in January, 2008. Due opportunity has been given to the petitioners and the allegations are of large scale irregularities in the process of selection. It is pointed out



with reference to the order passed by the Commissioner, Saran Division in Anganbadi Appeal No 89 of 2011 to show that though notice has been given to the petitioners but they have not appeared. It is also submitted that the direction of the Commissioner, Saran Division is to issue fresh notice of appointment and to complete the process afresh after allowing all eligible candidates including the petitioners who participated in the selection process. Thus, the petitioner had not been prejudiced.

4 Such order was passed by the Commissioner on 27.09.2012. What has been the fate of the process initiated afresh is not on record as no supplementary affidavit or any amendment petition has been filed by the petitioners. In fact, learned counsel for the petitioners, on specific query, is unable to respond, with reference to the instructions, as to whether petitioners participated in the fresh selection. The petitioners' selection has been cancelled as far back as in January, 2008. The order for initiating afresh process was issued in September, 2012 on the basis of finding by the Committee of large scale irregularity in the process in the locality.

5 In view of the aforesaid position, there is no scope for this Court to exercise its jurisdiction under Article 226 of the Constitution since even the fate of the proceeding afresh after the order of the Commissioner dated 27.09.2012 is not before this Court.



6 Considering the aforesaid circumstances, the writ petition is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.05.2018
Transmission Date	NA

