

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11287 of 2014

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1. Smt. Subhadra Kumari W/o Manoj Kumar Yadav Resident of village - Saidalli, P.O. Mai Farida, Police Station - Rahui, District - Nalanda

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, Patna
2. The Director, Integrated Child Development Scheme, Bihar, Patna
3. The Divisional Commissioner, Patna Division, Patna
4. The District Magistrate, Nalanda at Biharsharif
5. The District Welfare Officer, Nalanda at Biharsharif
6. The District Programme Officer, Nalanda at Biharsharif
7. The Child Development Project officer Sadar, Block - Biharsharif
8. The Child Development Project officer, Block - Rahui, District - Nalanda at Biharsharif
9. The Mukhiya, Gram Panchayat, Mai Farida, Block - Rahui, District - Nalanda at Biharshaif
10. Smt. Sangeeta Kumari W/o Chaudhary Sachidanand Badal @ Birmani Chaudhary Resident of village - Basak Saidi, P.O. Mai Farida, P.S. Rahui, District - Nalanda at Biharsharif
11. Priyanka Kumari W/o Sanjay Kumar Resident of village - Saidalli, P.O. Mai Farida, P.S.- Rahui, District - Nalanda

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Singh, Senior Advocate
Mr. Ajay Kumar Sinha, Advocate

For the Respondent/s : Mr. Gp1-U.S.S.Singh

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 21-08-2018 Heard learned senior counsel for the petitioner.

Petitioner has challenged the order dated 25.09.2010 passed by the District Magistrate, Nalanda in Anganbari Case No. 35 of 2010 whereby petitioner's selection as Anganbari Sevika from the Anganbari Kendra in question, has been cancelled and she has also challenged the order passed by the Commissioner on



the petitioner's Appeal No. 102 of 2011, which has been dismissed vide order dated 03.06.2014 affirming the order of Collector, Nalanda.

This court would find from the order of the District Magistrate, Nalanda as well as the order of Divisional Commissioner, Patna Division, Patna that by Aam Sabha dated 15.11.2004 selection of the earlier Anganbari Sevika was held to be illegal and was cancelled and the petitioner was selected in her place.

Both the authorities, i.e. District Magistrate as well as Divisional Commissioner have considered this aspect and found that there was no illegality in the selection of the earlier Anganbari Sevika. The authorities have also considered that, even if there was any allegation against selection of the earlier Anganbari Sevika, the same could not be examined by a subsequent Aam Sabha. This cancellation of earlier selected candidate has been found, not to be in accordance with the established procedure. The various guidelines, consistently provide that if there is any irregularity in the process of selection of Anganbari Sevika, same would be decided by the higher authority. Various guidelines have been issued from time to time. None of them provide that validity of selection of Anganbari



Sevika by one Aam Sabha is to be looked into and decided by subsequent Aam Sabha. That being so the proceedings of the subsequent Aam Sabha dated 15.11.2004 wherein earlier Anganbari Sevika had been removed and in her place, the petitioner has been selected rightly has been set aside by the authorities.

Learned Senior Counsel for the petitioner submits that Aam Sabha dated 15.11.2004 could not be considered as amounting to removal of earlier candidate, since appointment letter had not been issued to the earlier selected Anganbari Sevika.

Proceedings of the Aam Sabha dated 15.11.2004 has been looked into by the authorities. It has been found that the instant petitioner was not qualified for being selected as Anganbari Sevika for the Center in question, i.e., at Basak Saidi Gram Panchayat Mai Farida. The specific findings are that the petitioner was a member of the Scheduled caste whereas the Center in question was predominately comprising of the Backward Caste. Accordingly, the Member of the Backward caste was to be selected as Anganbari Sevika. It has also been found that the mother-in-law of the petitioner was employed as ANM and that her family was not in the category of Below Poverty Line (BPL) for the aforesaid reasons also the petitioner was disqualified from being selected as



Anganbari Sevika. In the circumstances, order of the District Magistrate, Nalanda at Biharshariff dated 25.09.2010 passed in Anganbari case no. 35 of 2010 directing that selection may be done afresh in compliance with the guidelines does not require any interference in the instant proceedings. The Divisional Commissioner in the Misc. Appeal No. 102 of 2011 has rightly not interfered with the said order passed by the District Magistrate. The writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

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