IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15768 of 2011

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Bindu Kumari @ Bindu Devi W/O Sri Ranjeet Kumar Gram-Karahdih, Ward No.-12, Thana-Silav, Jila-Nalanda.

... ... Petitioner/s

Versus

1. BIHAR RAJYA DWARA-SACHIV, SAMAJ KALYAN VIBHAG, BIHAR SARKAR, PATNA.
2. JILA PADADHIKARI, NALANDA, BIHARSHARIF.
3. JILA KALYAN PADADHIKARI, NALANDA, BIHAR.
4. ANUMANDAL PADADHIKARI, RAJGIR, NALANDA.
5. BAL VIKASH PRIYOGNA PADADHIKARI, SILAV, NALANDA.
6. RINKU KUMARI W/O RAM PRAVESH KUMAR GRAM-KARAHDIH, WARD NO.-12, THANA-SILAV, JILA-NALANDA.
7. ADHAYACHH, CHAYAN SAMITI, AGANBARHI KENDRA KARAHDIH, NAGAR PANCHAYAT SILAV, SRI BABLU KUMAR
8. BISHESH AMANTRIT SADASYA, CHAYAN SAMITI AGANBARHI KENDRA, KARAHDIH, SAH JILA PADADHIKARI DWARA PRATINIYUKAT PADADHIKARI, SAH BAL VIKASH PARIYOJNA PADADHIKARI, SILAV.
9. SADASYA, CHAYAN SAMITI, AGANBARHI KENDRA KARAHDIH, SAH PRABHARI SIKCHAK, PRA. VI., BARAHDIH.
10. SADASYA, CHAYAN SAMITI, AGANBARHI KENDRA KARAHDIH, SAH ANUSUCHIT JATI KE MANONIT SADASYA.
11. SADASYA SACHIV, CHAYAN SAMITI, AGANBARHI KENDRA, KARHAHDIH.
12. AYUKT, PATNA PRAMANDAL.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Indradeo Prasad
For the Respondent/s : Mr. Anjani Kumar Aag10

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

3 20-11-2018 Heard learned Counsel for the petitioner and the learned Counsel for the respondent State.

The petitioner was selected as Anganwari Sevika for Ward No. 12, Anganwari Center at Karahdih. The selection was challenged by respondent No. 6 alleging that though she was superior in merit having 75% marks she was ousted from the

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selection process. By doing so, it is alleged that the petitioner has been favoured and though she was having lesser marks of 51.7% she was granted undue benefit of selection ignoring the legitimate claim of respondent No. 6.

After hearing both parties the District Magistrate has come to a conclusion that the residence certificate of respondent No. 6 which was submitted along with her application certified her to be a resident of service area of Karahdih Anganwari Centre. On the basis of such material the District Magistrate has come to the conclusion that respondent No. 6 was also entitled to be considered and she has wrongly been ousted from the selection process. Direction has been issued for conducting fresh selection after setting aside the selection of the petitioner.

The petitioner moved this Court by filing CWJC No. 2190 of 2009 challenging the order passed by the District Magistrate. On 5.4.2010 the writ petition was withdrawn with liberty to approach the Commissioner in appeal. The Divisional Commissioner has thereafter passed the appellate order on 11.6.2011 affirming the order passed by the District Magistrate. Both the orders have been issued after hearing the parties. The residence certificate issued in favour of respondent No. 6 certifying her to be a resident of service area of Karahdih, has

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been relied upon by the respondent No. 6 stating that she was also entitled for consideration.

Having considered the matter on the basis of such materials both the authorities have concluded that respondent No. 6 was illegally ousted from the selection process, as such, direction has been issued for conducting the selection process afresh.

This Court does not find any infirmity with the said two orders as the selection process afresh was to be conducted in accordance with law. There is nothing on record to show what has happened pursuant to the fresh selection process though about seven years has passed since the order passed by the Divisional Commissioner.

In view of the aforesaid circumstances, the writ petition is devoid of merit and the same is accordingly dismissed.

(Madhuresh Prasad, J.)

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