

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No 9962 of 2014**

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Neelam Devi Wife of Shree Ram Sagar Mahto resident of Village - Dharmdiha,  
P.S. - Phulparas, District - Madhubani.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Divisional Commissioner, Darbhanga.
3. The Collector, Madhubani.
4. The District Programme Officer, Integrated Child Development Scheme, Madhubani.
5. The Child Development Project Officer, Phulparas, District - Madhubani.
6. The Mukhiya, Gram Panchayat Raj - Dharmdiha, P.S. - Phulparas, District - Madhubani.
7. The Panchayat Secretary, Gram Panchayat Raj - Dharmdiha, P.S. - Phulparas, District - Madhubani.
8. Reena Kumari wife of Shree Randhir Thakur resident of Village - Dharmdiha, P.S. - Phulparas, District - Madhubani.

.... .... Respondent/s

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| For the Petitioner/s | : | Mr Chitranjan Sinha, Sr Advocate with<br>Mr Kripa Nand Jha, Advocate |
| For the State        | : | Mr AC to SC XXVIII                                                   |

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**CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD**

**ORAL JUDGMENT**

**Date: 26-06-2018**

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

2 Notices were earlier issued to private respondent No 8 under order dated 20.11.2017 passed on IA No 4408 of 2014 seeking stay of the order dated 07.05.2014 passed by the Commissioner, Darbhanga on the Angal Bari Appeal Case No 28 of 2012-2013. Same was filed by the petitioner against the order of the Collector dated 09.04.2012 whereby and whereunder the Collector, Madhubani, while setting aside the selection of the petitioner as Angan Bari Sevika for Centre No 47, Dharamdiha, Anchal – Phulparas in the



district of Madhubani, has directed that proceedings be conducted afresh as the same was not in accordance with law since the selection process has been conducted on the basis of Mapping Register which was not in accordance with the Resolution dated 12.06.2009 under which the Caste *Barhai* has been placed under *Extremely Backward Class*. The said order has been challenged by the petitioner by filing Angan Bari Appeal Case No 28 of 2012-2013 which appeal has been rejected by order dated 07.05.2014 passed by the Appellate Authority being the Commissioner, Darbhanga Division.

**3** Private respondent No 8, who had challenged the petitioner's selection before the Collector, also filed an appeal challenging the said order. The same was numbered as Angan Bari Appeal No 32 of 2012.

**4** Both, orders dated 07.05.2014 passed on petitioner's appeal as well as the order dated 15.05.2014 disposing of respondent No 8's appeal, record a finding that the Mapping Register had not been prepared in accordance with the Resolution dated 12.06.2009 and, as such, the selection was not in accordance with law. It is admitted in all the orders that the proper Mapping Register as per the Resolution dated 12.06.2009 was prepared only on 14.11.2001 and that prior thereto, the Mapping Register prepared for Angan Bari Centre in question was not in accordance with law. Accordingly, the Collector has, by order dated 09.04.2012, directed that the selection may be made afresh in accordance with the Mapping Register



prepared in accordance with law on 14.11.2011.

**5** The order passed by the Commissioner on the respondent No 8's appeal also takes into consideration the fact that earlier selected Angan Bari Sevika, namely, Geeta Devi submitted her resignation on 02.01.2009 and the same was accepted by the competent authority on 04.03.2009. Prior to acceptance of the same by the competent authority, the selection process had been initiated on 04.03.2009 by the Mukhiya. For this reason also, the selection process was found to be illegal.

**6** Since the process of selection in question has consistently been found to be illegal by order dated 09.04.2012 passed by the Collector as well as the two orders passed in Angan Bari Appeal Case No 28 of 2012-2013 and Angan Bari Appeal Case No 32 of 2012. The order of the Commissioner dated 15.05.2014 passed in Angan Bari Appeal Case No 32 of 2012 to the extent that it allowed the claim of respondent No 8 in respect of her selection as Angan Bari Sevika, therefore, cannot be sustained, since specific and consistent finding in all these orders are that the selection was as per Mapping Register which was not made in accordance with law and without considering the relevant Resolution of the State Government. The selection process was also found to be bad on account of the fact that the erstwhile Angan Bari Sevika's resignation had not been accepted before the process of selection had been initiated by the Mukhiya in question. Thus, order dated 09.04.2012 for conducting the selection



process afresh was correct.

7 IA No 1831 of 2017 has been filed challenging the order passed in Angan Bari Appeal Case No 32 of 2012. Notices were issued on the same way back on 20.11.2017. Pursuant thereto, the notices have been held to be validly served by order dated 28.03.2018 passed in these proceedings. Respondent No 8 has chosen not to appear in the instant proceedings.

8 In view of the findings recorded above, this Court is of the opinion that the conclusion, arrived at by the Collector in his order dated 09.04.2012 that the proceedings of selection of Angan Bari Sevika in the Centre in question be conducted afresh, is correct. The order dated 15.05.2014 passed in Angan Bari Appeal Case No 32 of 2012 is, therefore, quashed to the extent it allows the claim of respondent No 8 with respect to her selection as Angan Bari Sevika in the selection process which selection has been made as per Mapping Register which was not prepared in accordance with law and without considering the relevant Resolution.

9 The writ petition is allowed to the extent indicated above.

(Madhuresh Prasad, J)

M.E.H./-

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