

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7709 of 2016

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Phul Kumari, W/o Rupesh Kumar Yadav, resident of village - Hardi, P.O. - Hardi,
P.S. and District Supaul.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Supaul.
2. Director, Social Welfare, Bihar, Patna.
3. The Collector-cum-District Magistrate, Supaul.
4. Sub Divisional Officer, Supaul.
5. District Programme Officer, Supaul.
6. Deputy Director, Welfare, Kosi Division, Saharsa.
7. The Block Development Officer, Supaul.
8. The Child Development Project Officer, Supaul.
9. Rubi Kumari, W/o Sri Ashish Kumar, resident of village - Hardi Paschim,
P.O. - Hardi, P.S. and District - Supaul.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Adv.

For the Respondent/s : Mr. Devender Kumar Sinha, PAAG-2

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 13-07-2018

Heard parties.

The petitioner is aggrieved by the order of the Collector-cum-District Magistrate, Supaul passed in Anganbari Appeal Case No. 229/2014-36/2015, whereby he has set aside the order of the District Programme Officer, Supaul bearing Memo No. 1494 dated 15.07.2014 passed in Anganbari Case No.11 of 2012 whereunder the appointment of the petitioner had been upheld. The Collector while passing the order, has directed the Child Development Project Officer, Supaul to take necessary steps for appointment of private respondent.



The pleadings on record would confirm the undisputed fact that the private respondent had superior marks than the petitioner but simply on allegation that her husband was a Government employee in the Gram Kutchery that the *Aam Sabha* decided in favour of petitioner to appoint her as Anganbari Sevika vide order as contained in Annexure-1 for the Anganbari Kendra No. 218 in the District of Supaul.

On complaint being made by the private respondent before the District Programme Officer, Supaul under the guidelines giving rise to Anganbari Case No.11 of 2012 that an inquiry was held under the supervision of the Sub-Divisional Officer, Supaul whose report is at Annexure-2 who confirms that the selection process is marred with suspicion. Despite this position, the District Programme Officer, Supaul vide order dated 15.07.2014 impugned at Annexure-3 even while noting that the employment of the husband of the private respondent had come to an end before the selection process and despite noting that the private respondent had higher marks than the petitioner at 77.28% in comparison to the petitioner's marks at 69.57%, yet upheld the appointment of the petitioner and dismissed the complaint. It is feeling aggrieved that the private respondent went in appeal before the Collector, Supaul and who has allowed the appeal taking note of the merit position as well as the fact that no evidence was produced whether the



employment of the husband of the private respondent was under government or semi government.

In my opinion, that the private respondent undisputedly got higher marks than the petitioner, she was a better candidate. In so far the employment of the husband of the private respondent in Gram Kutchery is concerned, even if, the husband of the private respondent was employed under the Gram Kutchery on an emoluments of Rs.2000/-, it came within the exception so provided in the guidelines to exempt the private respondent of any disqualification in this regard.

Apart therefrom, that it has been admitted by the authorities that the employment of the husband of the private respondent had come to an end before the selection process, the reasons assigned by the District Magistrate, Supaul in upholding the claim of the private respondent, suffers no infirmity and requires no interference.

The writ petition is dismissed.

(Jyoti Saran, J)

SKPathak/Anjula

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18-07-2018
Transmission Date	NA

