

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7903 of 2016

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Babita Kumari, wife of Ram Bhrosh Sah, resident of village - Lakhaura Ward No.7,
Gram Panchayat Raj Lakhaura, Block & Police Station - Chanpatia, District - West
Champaran.

.... 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, Social Welfare Department, Govt. of Bihar, Patna.
3. The Collector, West Champaran at Bettiah.
4. The District Programme Officer, West Champaran at Bettiah.
5. The Child Development Project Officer, Chanpatia, District- West Champaran.
6. The Ward Member, Ward No. 7, Gram Panchayat Raj, Lakhaura, Block- Chanpatia, District - West Champaran.
7. Sabita Kumari, wife of Ramakant Chaubey, resident of village - Lakhaura Ward No. 8, Gram Panchayat Raj, Lakhaura, Block & Police Station- Chanpatia, District - West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bashishtha Narayan Mishra, Adv.

For the Respondent/s : Mr. Sanjay Kumar AC to SC-15.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 17-07-2018

Heard Mr. Bashishtha Narayan Mishra, learned counsel
appearing for the petitioner and Mr. Sanjay Kumar, learned
Assisting Counsel to Standing Counsel No.15 for the State.

The writ petition was filed seeking a writ in the nature of
mandamus for appointing the petitioner on the post of Anganbari
Sevika, Anganbari Centre no.247 Gram Panchayat Raj, Lakhaura,
Block- Chanpatia in the district of West Champaran.

According to the petitioner, she figured at serial no.6 of



the merit list and since the candidates at serial no.1 to 5 were disqualified on one ground or the other, the appointment should have gone to her. It is further her grievance that instead of completing this selection process that the private respondent has been transferred from Ward no.12 and posted at the Anganbari Centre no.247 located in Ward no.7.

A counter affidavit is filed and in reference thereto Mr. Sanjay Kumar, learned Assisting Counsel to Standing Counsel No.15 submits that Centre no.247 was created in Ward no.7 as a mini Anganbari Centre. He submits that in the selection process so initiated, a merit list was prepared on 01.01.2016, a copy of which is enclosed at Annexure 'C' and would confirm that of the 12 candidates who had applied for the post, while the petitioner figured at serial no.6, one Priti Kumari Pandey under the general category came at serial no.1.

According to Mr. Sanjay Kumar, learned Assisting Counsel to Standing Counsel No.15, an *Aam Sabha* was held on 11.01.2016, the proceeding of which is placed at Annexure 'D' series and proposal no.4 relates to the appointment in question. In reference thereto he submits that while the petitioner herein, whose name appears at serial no.6, was found to be resident of different *poshak* area, along with some others, one Priti Kumari Pandey who



figured at serial no.1 of merit panel was found most suitable. According to Mr. Sanjay Kumar, learned Assisting Counsel to Standing Counsel No.15 the selection process is complete and the petitioner was held disqualified for appointment on grounds that she was a resident of different *poshak* area.

Responding to the arguments, it is the submission of Mr. Mishra, learned counsel appearing for the petitioner that though a representation in this regard was filed before the Child Development Project Officer ('CDPO' for brevity) but it has remained pending. He thus prays for direction to the 'CDPO' for its disposal.

I find that the copy of the counter affidavit was served on the petitioner sometime back but there is no rejoinder to the stand taken by the respondents in the counter affidavit. The proceedings on record would confirm that the petitioner was held to be a resident of different *poshak* area and which decision of the *Aam Sabha* was taken on 11.01.2016. This writ petition was filed on 03.05.2016 but the petitioner has not bothered to challenge the decision of the *Aam Sabha* on her disqualification. Even though Mr. Mishra contends that the selected candidate Priti Kumari Pandey did not join and the said post is occupied by the private respondent but there is no material to support such assertion. On the contrary



the counter affidavit confirms that the respondent no.7 has not occupied the post of Anganbari Sevika for Centre No.247 rather it is following the decision taken in this regard that Centre no.153 was shifted from Ward no.12 to Ward no.7 and private respondent is occupying the post at Centre no.153. The statement of the respondents at paragraph 10 of the counter affidavit that the private respondent is not working at Centre no.247 has again not been contested by the petitioner.

In the circumstance so discussed, I find no merit in the writ petition, which is dismissed accordingly.

(Jyoti Saran, J)

SKPathak/Anjula

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23-07-2018
Transmission Date	NA

