

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.7137 of 2016**

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Reena Kumari, wife of Premchand Mandal, Resident of Village- Gadhgaon, Post Office- Basopatti, Panchayat- Gadhgaon, Block- Madhepur, Police Station- Bheja, District- Madhubani.

.... .... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Director, I.C.D.S., Social Welfare Department, Government of Bihar, Patna.
3. District Magistrate, Madhubani.
4. Deputy Development Commissioner, Madhubani.
5. District Programme Officer, I.C.D.S., Madhubani.
6. Sub Divisional Officer, Jhanjharpur, District- Madhubani.
7. Child Development Project Officer, Madhepur, District- Madhubani.
8. Mukhiya namley Anjay Singh, Gram Panchayat- Gadhgaon, District- Madhubani.
9. Binita Devi, wife of Sone Lal Mandal, Resident of Village- Gadhgaon, Post Office- Basopatti, Police Station- Bheja, District- Madhubani.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Uday Chand Prasad, Adv.  
Mr. Manoj Kumar, Adv.

For the Respondent/s : Mr. Manish Kumar, AC to AAG-6

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**

**ORAL JUDGMENT**

**Date: 26-06-2018**

Heard the parties.

The petitioner is aggrieved by her non-selection to the post of Anganwari Sevika, Centre No. 216, Block- Madhepur, Panchayat- Gadhgaon in the district of Madhubani.

A counter affidavit is filed opposing the prayer and the ground assigned is that the petitioner did not fulfill the eligibility criteria. The petitioner is contesting the position.

The pleadings on record would confirm that the petitioner was



placed at serial No.1 of the merit list put up before the *Aam Sabha* but was unsuited on grounds that she failed to produce her matriculation certificate as well on grounds that her father-in-law was a public representative. Both the issues are being contested and it is informed that while the petitioner resided with her husband within the district of Madhubani, the in-laws are residents of Supaul. The pleadings on record would also demonstrate that a complaint was made by the petitioner before the Deputy Development Commissioner, Madhubani who in turn directed the District Programme Officer, Madhubani to examine the complaint and pass appropriate order vide order bearing Memo No.11 dated 18.05.2015 present at Annexure 3. Annexure 7 is a letter of the Senior Deputy Collector -cum- District Programme Officer, Madhubani addressed to the Child Development Project Officer Madhepur in the district of Madhubani dated 31.12.2015 directing the Child Development Project Officer to submit his enquiry report. The outcome of this exercise is not known.

The guidelines framed by the State Government for regulating the appointment of Anganbari Sevika empowers the District Programme Officer to dispose of any issue relating to selection/appointment of Anganbari Sevika and whose order is appealable before the District Magistrate in terms of the guidelines which is in force since 2016.

The petitioner has already invoked the guidelines by filing complaint before the Deputy Development Commissioner and the matter has been referred to before the District Programme Officer, Madhubani



for appropriate orders as manifest from Annexure 3. The counter affidavit is silent on the outcome of the proceeding.

In the circumstances discussed, I deem it proper to direct the respondent No.5, the District Programme Officer, I.C.D.S., Madhubani to consider the grievance of the petitioner and dispose of the same in accordance with law with opportunity of hearing to the petitioner as well as the private respondent No.9 expeditiously and preferably within a period of 3 months from the date of receipt/production of a copy of this judgment.

The writ petition is disposed of with the direction aforementioned.

It is made clear that this Court has not gone into the merits of the claim and all issues raised by the petitioner would be open for consideration by the statutory authority.

**(Jyoti Saran, J)**

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 03-07-2018 |
| Transmission Date | NA         |

