

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11514 of 2014

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Smt. Munmun Kumari W/o Sri Ganesh Prasad Sah, Resident of Village- Narargoth,
P.S. Kaluahi, District- Madhubani. At present posted as Anganwari Sevika, Centre
No.62, Gram Panchayat- Narar Purvi, Block- Khajauli, District- Madhubani

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Social Welfare
Department, Government of Bihar, Patna
2. The Divisional Commissioner, Darbhanga Division, Darbhanga
3. The District Magistrate, Madhubani
4. The Child Development Project Officer, Khajauli, District- Madhubani
5. The District Programme Officer, Madhubani
6. Smt. Kiran Kumari @ Kiran Devi, W/o Sri Navin Kumar Mishra, resident of
village- Narargoth, P.S.- Kaluahi, Distt- Madhubani Respondents

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Appearance :

For the Petitioner : Mr. Jai Prakash Verma, Advocate

For the Respondents : Mr. Anisul Haque, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 04-01-2018

Heard counsel for the petitioner and the State.

2. On the allegation of certain irregularities regarding petitioner's appointment as Anganwari Sevika, a proceeding was initiated and she was terminated from her post. During the pendency of the proceedings, one Smt. Kiran Kumari @ Kiran Devi, respondent no.6 came to be appointed in her place. In appeal before the Divisional Commissioner, Darbhanga Division, Darbhanga (respondent no.2) a direction was issued to reinstate the petitioner as Anganwari Sevika. However, respondent no.6, who in the mean time had been appointed in place of the petitioner, was not



impleaded as party in the proceedings, and therefore, she challenged the said order reinstating the petitioner by filing C.W.J.C.No. 13394 of 2012 and MJC No. 6696 of 2012. Pursuant to the order dated 14.2.2013, passed in the MJC, the petitioner of the contempt petition (respondent no.6 herein) in compliance thereto filed an appeal questioning the sustainability/legality of the order, passed by the Collector. Appeal No.13 of 2013 preferred by respondent no.6 before the Divisional Commissioner, Darbhanga Division was allowed vide order dated 15.5.2014, Annexure 14, which has not been challenged in the instant proceeding.

3. Counsel for the petitioner submits that though the issue was regarding alleged illegality committed by the petitioner as Anganwari Sevika, in the order passed by respondent no.2 another issue has been decided which is regarding petitioner's eligibility for being appointed to the center which was meant for a member of the General category, whereas petitioner was a member of the Backward category. Further more, the competent authority for deciding this issue is the District Programme Officer, Madhubani (respondent no.5) and not the Divisional Commissioner (respondent no. 2).

4. In the entire pleadings made in the instant writ petition, there is no averment that the petitioner was a not member of the



Backward category and that the Center, where she had earlier been appointed, was not meant for a member of the General category. The issue decided by respondent 2, has not been disputed by the petitioner. Admittedly, she was a member of the Backward category and the Center to which she had claimed her candidature was meant for a member of the General category. That being so, the findings recorded by the Divisional Commissioner (respondent no.2) is factually correct and indisputable and the petitioner has no legally enforceable right to continue as Anganwari Seika to Center when she is not eligible for the same.

5. In view of the observations as well as the admitted position indicated above, no case is made out warranting interference with the impugned order.

6. The writ petition is accordingly dismissed.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	
CAV DATE	NA
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