

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11036 of 2011

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Kumari Arun Bala, D/O Sri Ganga Dayal Sah, R/O Vill.- Dinara, P.O.- Dinara,
P.S.- Dinara, Distt.- Rohtas

.... Petitioner/s

Versus

1. The State Of Bihar through Chief Secretary, Patna, Bihar
2. The Secretary Department of Social Welfare, Govt. Of Bihar, Patna
3. The Commissioner, Patna
4. District Magistrate, Rohtas
5. Sub-Divisional Officer, Bikramganj, Distt.- Rohtas
6. District Programme Officer, Rohtas
7. Child Development Project Officer, Dinara, Rohtas
8. Up-Mukhiya Of Dinara Gram Panchayat, Dinara, Rohtas
9. Manaorma Kumari W/O Arvind Kumar R/O Vill.- Dinara, P.O.- Dinara, P.S.-
Dinara, Distt.- Rohtas

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sinha
For the Respondent/s : Mr. Birju Prasad, GP-13

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 14-05-2018

Heard learned counsel for the petitioner and learned
counsel representing the State as well as learned counsel representing
the private respondent no.9.

Petitioner is aggrieved by the order dated 29.03.2011
passed by the Commissioner, Patna Division, Patna in Misc. Appeal
Case No.220/2009. By the impugned order, the Commissioner, while
hearing an appeal preferred by the present respondent no.9, came to a
conclusion that the merit list prepared for the purpose of selection on
the post of Anganwari Sevika was not duly prepared. The appellate



authority also found that the District Programme Officer was not correct in saying that the selection of Anganwari Sevika has been done after taking out the separation certificate of this petitioner. The appellate authority has recorded a finding that against the name of this petitioner, who is placed at serial no.1 in the merit list, in the remarks column it is indicated that she is a ward member. Since the petitioner was a ward member, she was not eligible for consideration in terms of the guidelines of the year 2006 and she was not fit for appointment/selection. The order of the District Programme Officer cancelling the appointment of respondent no.9 and appointment of present petitioner in her place has been set aside by the appellate authority.

Learned counsel for the petitioner, while referring to Annexure-4 to the writ application, would submit that in fact the petitioner had submitted her resignation to the Mukhiya of the concerned gram panchayat vide her letter dated 24.06.2007 which was accepted by the Mukhiya on 01.07.2007, therefore on 03.07.2007 when the petitioner filled up her application for selection as Anganwari Sevika she was not a member of the ward committee. It is submitted that the petitioner has separated from her husband as she has been abandoned and is presently living with her parents. In his submission the appellate authority has completely failed to appreciate



the materials available on the record and has wrongly interfered with the order passed by the District Programme Officer.

On the other hand, learned counsel representing the State would submit that the petitioner is unable to controvert the findings recorded by the appellate authority to the effect that in the merit list itself as against the name of the petitioner, in the remarks column it is stated that she is a ward member. Further it is submitted that in her application, the petitioner had not shown the martial status in column 17 (क) and again this fact has not been disputed by the petitioner in her application. It is submitted that these two findings of facts are not in dispute, there is no reason as to why the order passed by the appellate authority be interfered with.

Having heard learned counsel for the petitioner, learned counsel representing the State and learned counsel representing the private respondent no.9, I am of the considered opinion that in absence of a challenge to the findings of facts recorded by the appellate authority, the petitioner has not been able to make out a case for interference with the appellate order. The petitioner not having indicated in the application in column 17 (क) as to her martial status and then her being a ward member of the ward committee mentioned in the remarks column of the merit list not being in dispute, this Court does not find any reason to set aside the impugned order.



The writ application has no merit. It is, accordingly,
dismissed.

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	NAFR
CAV DATE	N/A
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