

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.941 of 2018

Sangita Rani, Wife of Shri Ratan Kumar Yadav, Resident of Village and Post Office- Shahpur (Navtoliya East), Ward No.01, Police Station- Sonbarsha, District- Saharsa, Presently working as Aanganbari Sevika at Centre No.170 situated at Navtoliya within Gram Panchayat, Shahpur under the jurisdiction of Sonbarsha Block in the district of Saharsa.

... .. Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Director, I.C.D.S., Bihar, Patna.
3. The Divisional Commissioner, Koshi Division, Saharsa.
4. The Deputy Director, Welfare, Koshi Division, Saharsa.
5. The District Magistrate, Saharsa.
6. The Deputy Development Commissioner, Saharsa.
7. The District Programme Officer, I.C.D.S. Cell, Saharsa.
8. The Child Development Project Officer, Sonbarsha, District- Saharsa.
9. Kumari Manju, Wife of Shri Lal Bahadur Yadav, Resident of Village and Post Office- Shahpur, Ward No.02, Police Station- Sonbarsha, District- Saharsa.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Singh, Advocate
For the State : Mr. Sunil Kumar Mandal, -SC-3
Smt. Neelam Kumari, A.C. to S.C.-3
For the Private Respondent No.9 : Vijaya Laxmi Srivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 27-06-2018

Heard learned counsel for the petitioner and
learned counsel for the State.

2. In this case, the petitioner is challenging the order of the District Magistrate, Saharsa, dated 30.08.2017, by which the appeal of Manju Kumari, respondent no.9, has been allowed.

3. This matter relates to appointment of Anganari Sevika with respect to centre no.170 of Gram Panchayat-



Shahpur, in the district of Saharsa. Altogether six persons have applied for the post of Anganbari Sevika. The application of Sanju Kumari was not considered as she was Panchayat Teacher. The application of Jaymala Kumari was also not taken into consideration as she was from the outside of feeder area. Only the applications of four applicants were considered, in which Manju Kumari, respondent no.9, has secured 64.66% marks, Babita Kumari has secured 64.6% marks, Sangita Rani has secured 63.56% marks and Gita Bharti has secured 55.57% marks. The appointment was to be made from the backward community; all the applicants from that caste were taken into consideration for the appointment of Anganbari Sevika.

4. In the Aam Sabha, Manju Kumari was selected as Anganbari Sevika as she was at serial no.1 in the merit list. Against that, Sangita Rani, the present petitioner, filed an application before the District Programme Officer, who has considered the intermediate qualification of the present petitioner and recorded that the petitioner secured highest points and accordingly, directed to appoint the petitioner on the post of Anganbari Sevika. Against that order, Manju Kumari, respondent no.9, filed an appeal before the District Magistrate, Saharsa, which was registered as Aanganbari Appeal Case



No.92 of 2016 and the District Magistrate, Saharsa, has set aside the order of the District Programme Officer on the ground that at the time of filing of application there was no mentioning about the qualification of Intermediate and as such, that qualification cannot be taken into consideration for the appointment of Anganbari Sevika.

5. Learned counsel for the petitioner submits that there is nothing in the guidelines that any qualification obtained after receipt of application will not be taken into consideration.

6. Learned counsel for the petitioner has also drawn the attention of this Court to the order passed by the District Programme Officer, who has taken into consideration the Intermediate qualification of the petitioner, wherein itself it has been mentioned that at the time of filing of the application the petitioner had not acquired the qualification of Intermediate but acquired the qualification before the meeting of Aam Sabha, in such situation, the question is that whether that the qualification of Intermediate can be taken into consideration for the purposes of appointment of Anganbari Sevika.

7. Law is well settled on this line that the qualification which has been obtained before the last date of submission of



application is required to be taken into consideration, any qualification obtained later on, will not get the additional marks in the matter of selection of any post. So admittedly, on the last date of submission of the application the petitioner was not holding the qualification of Intermediate and that the consideration by the District Magistrate that the petitioner has not mentioned the qualification in her application and on that ground he has arrived to a conclusion that the qualification of Intermediate cannot be taken into consideration in the matter of appointment of Anganbari Sevika does not suffer from any illegality.

8. This Court does not find any error committed by the District Magistrate in refusing to take into consideration the qualification obtained by the petitioner after last date of receipt of application. Hence, this Court does not find any error in the impugned order.

9. Accordingly, this writ petition is dismissed.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	30.03.2018
Transmission Date	N/A.

