

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5700 of 2017

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Sangita Kumari Wife of Sanjay Yadav Resident of Village- Tegraha, Sikiyahi,
Ward No. 3, P.S. Kumarkhand, P.O. Bhatni Bazar, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar, Patna.
2. The Principal Secretary, Department of Social Welfare, Government of Bihar, Patna.
3. The Director, Integrated Child Development Scheme (I.C.D.S.), Bihar, Patna.
4. The Commissioner, Koshi Division, Saharsa.
5. The District Magistrate, Madhepura.
6. The District Programme Officer, Madhepura.
7. The Child Development Project Officer(C.D.P.O.), Kumar Khand, District Madhepura.
8. Nilu Kumari Wife of Shri Manoj Kumar Resident of Ward No. 3, Gram Panchayat-Tengraha, Sikiyahi, P.O. - Bhatni Bazar, District- Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amrit Abhijat, Adv. Mr. Manoj Kr. Gupta, Adv. Mr. Upendra Yadav, Adv.
For the Respondent/s	:	Mr. Md. Raisul Haque- SC10
For the Pvt. Resp.	:	Mr. Y.C. Verma, Sr. Adv. Mr. Surendra Kumar Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 30-11-2018

Heard learned counsel for the parties.

In this case, the petitioner is challenging the order dated 7.10.2016 passed by the District Magistrate cum Collector, Madhepura in Anganwari Appeal Case No. 344 of 2015 by which direction was given to convene fresh selection of the Anganwari Srvika and also challenging the resolution dated 16.3.2017 (Annexure-7) of the Selection Committee for selection of Anganwari Sevika in Center No. 208, ward no.3 of Panchayat



Tengraha Sikiyaha, wherein Nilu Kumari, Wife of Manoj Kumar has been selected as Anganwari Sevika.

In the present case, the petitioner raised two points, first point has been raised that the husband of Nilu Kumari, namely, Manoj Kumar had participated in the selection process, thereby he has influenced the entire process of selection and there is every likelihood of biasness against the petitioner, accordingly, Nilu Kumari, the private respondent no.8, has been selected. Further the second point has been raised by the petitioner that the selection of Nilu Kumari also suffers from illegality on the ground that Nilu Kumari has been selected on the basis of marks obtained in the B.A. examination. From the records, it appears that the certificate of graduation is forged and fabricated. Had there not been a consideration of the qualification of Bachelor, Nilu Kumari would not have been selected.

The matter relates to selection of Anganwari Sevika of Center No. 208 ward no.3 of Panchayat Tengraha Sikiyaha and the petitioner and the private respondent along with others applied for the said Anganwari Sevika. The Aam Sabha was convened on 14.11.2014 under the Chairmanship of Manoj Kumar who is the husband of private respondent no.8 and the Aam Sabha selected Nilu Kumari which is clear from the item no.3 and 8 of the



proceeding. It also shows that the qualification of Graduation was taken into consideration and she was granted seven bonus point and, accordingly, she secured 67.11 point. Though Sangita Kumari could not match with Nilu Kumari but, Nilu Kumar was not selected on the ground that her husband was a ward member of the said Gram Panchayat. Accordingly, the appointment letter was issued in favour of the petitioner and she started work of Anganwari Sevika. Against that, Nilu Kumari approached to the District Programme Officer who vide order dated 14.7.2015 rejected the application of Nilu Kumari. Against that Nilu Kumar again moved in Anganwari Appeal Case No. 344 of 2015 and vide order dated 7.10.2016, the appeal was allowed on the ground that the husband of Nilu Kumari had already tendered resignation which was accepted and directed for fresh selection process to be initiated. Again the process of selection was conducted on 28.2.2017, again Nilu Kumari's husband participated and also the husband of Petitioner participated and, ultimately, Nilu Kumari was selected as Anganwari Sevika. From the records, it appears that the husband of the petitioner was also Ward Commissioner on the day of second selection and the husband of the private respondent also attended and participated in the selection process. There is every likelihood of biasness in the matter of selection of



Nilu Kumari and as well as the present petitioner could not have been selected as Anganwari Sevika on the ground that the husband of the petitioner was also Ward Member and also a fact that Nilu Kumari has again been selected on the basis of certificate of graduation.

There is no denial of the fact that second time Nilu Kumari's husband participated and the husband of the petitioner also participated in the selection process. In that view of the matter, this Court is of the view that let there should be a fresh selection in which if the petitioner or the Nilam Kumari apply for the post of Anganwari Sevika, their respective husbands even, if are ward members, will not participate in the selection process to secure fairness in the selection process. If the husband of the petitioner or the private respondent participate in the selection process then always there will be a chance of complaint of unfairness and unjust decision taken in the matter of selection of Anganwari Sevika.

In view of the above, the selection of private respondent no.8, Nilu Kumari, is set aside. Let there should be a fresh selection of Anganwari Sevika of Center No. 208 of Ward No.3, Gram Panchayat Tengraha Sikiyaha.



In the result, this writ application stands allowed to the extent indicated above.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.12.2018
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