

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1839 of 2019

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Ribha Kumari @ Ribha Devi, W/o Satish Kumar Sinha, Ward No.09, Lohiya Nagar, P.O and District- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Social Welfare, Government of Bihar, Patna
3. The Director I.C.D.S. Government of Bihar, Patna
4. The District Collector, Supaul
5. The District Program Officer, I.C.D.S. , Supaul
6. The C.D.P.O., Supaul
7. Gunja Kumari, W/o Amit Kumar, resident of Ward No. 09, Lohiya Nagar Parisad, P.S and District-Supaul

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Goutam, Adv
For the Respondent/s : Md. Raisul Haque (SC-10)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 04-02-2019

Heard Mr. Kumar Gautam, learned counsel for the petitioner and Mr. Raisul Haque, learned SC-10 of the State.

The petitioner has sought setting aside the order 10.09.2016 passed in *Anganwari* Appeal No. 27 of 2014 by the District Programme Officer, Supaul as well as the order dated 15.06.2018 passed by the District Magistrate-cum-Collector, Supaul in *Anganbari* Appeal No. 10 of 2016,



whereby the claim of the petitioner for being appointed as *Anganbari Sevika* at *Anganbari* Centre Code No. 259 of Ward No. 9 of District Supaul has been rejected and which order of rejection has been affirmed and upheld in appeal.

It appears that the petitioner had applied for the post of *Sevika* for the aforesaid *Anganbari* Centre No. 259 in the District of Supaul. According to the petitioner, in the merit list which was prepared on 28.06.2013, the petitioner was placed at Serial No. 5 whereas private respondent No. 7/Gunja Kumari was placed at Serial No. 2.

The learned counsel for the petitioner has submitted that in the *Aam Sabha* which was held, private respondent No. 7/Gunja Kumari was not present. One Dolly Kumari who was placed at serial No. 1 was though appointed as *Sevika* but she resigned and thereafter private respondent No. 7 was again appointed in her post.

The petitioner had challenged the appointment of private respondent No. 7 on the post of *Sevika* before the District Programme Officer, Supaul on the ground that her appointment/engagement was in violation of the rules which



declared that if in the first instance, a candidate is not available in the *Aam Sabha*, with any vacancy arising in the post of *Sevika*, such candidate then cannot be taken in the post of *Sevika*. Apart from this, there were other grounds of challenge which were pressed.

The District Programme Office vide order dated 10.09.2016 rejected the claim of the petitioner on the ground that advertisement was of the year 2013 and the panel which was prepared had a life only for three years and that a fresh advertisement has already been issued in the year 2016. However, by the same order, the appointment of private respondent No. 7 also was cancelled on the ground that it was against the rules. Since private respondent No. 7 was not present in the *Aam Sabha*, therefore in the vacancy which was created, she could not have been considered.

Aggrieved by the order of the District Programme Officer, Supaul, the petitioner as well as the private respondent No. 7, both, appealed before the Collector, Supaul. One of the candidates viz. Bindu Kumari was also permitted to intervene. After going through the entire



records, the Collector, Supaul affirmed and upheld the order of the District Programme Officer on the same set of reasons which had weighed with the District Programme Officer.

After assailing the orders passed by the District Programme Officer as well as the Collector, Supaul for some time, learned counsel for the petitioner limited his challenge to the ground that the complaint, in the first instance, was filed before the District Programme Officer in the year 2014 which was disposed off by him only on 10.09.2016 and the appeal before the Collector was filed in the year 2016, i.e. immediately after the rejection of the claim of the petitioner, which was disposed off by the Collector, Supaul in the year 2018. It has, therefore been submitted that deliberately the matters were kept pending and the entire life of the panel got expired in the meanwhile.

This Court has further taken notice of the fact that the petitioner has been working as *Sahayika* in the aforesaid Centre. Nonetheless, the aforesaid grounds of delay in disposal of the complaint petition as also the appeal may not give the petitioner a right to be appointed against



the post of *Sevika* when the panel itself had lost its validity after the efflux of three years; but it does require a serious introspection by the officials specially the District Programme Officer and the Collector, Supaul.

The learned counsel for the petitioner has also submitted that though it has been stated in the order of the District Programme Officer, Supaul that a fresh advertisement has already been issued in the year 2016, but according to his information, even if the advertisement has been issued, it has not yet been acted upon and no appointment on the post of *Sevika* or *Sahayika* has taken place as yet.

Under the aforesaid circumstances, though the prayer made on behalf of the petitioner is rejected on the sole ground that the panel now has lost its life after expiry of three years but this Court takes exception to the lackadaisical approach in dispensing the *quasi judicial* functions by the respondents specially the District Programme Officer and the Collector, Supaul. They are expected to work with promptitude and sincerity forthwith.



With the aforesaid observation, the petition is
disposed off.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
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