

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2157 of 2019

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Pommi Kumari W/o Shivji Yadav R/o Village/Ward No.6 Baruna,P.S.-
Industrial Area,Dist.Buxar

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary,Department of Welfare,Govt. of Bihar,Patna
2. The Principal Secretary, Department of Welfare,Govt. of Bihar,Patna
3. The District Magistrate, Buxar
4. The District Education Officer, Buxar
5. The Deputy Development Commissioner,Buxar
6. The District Program Officer, Buxar
7. The District Welfare Officer, Buxar
8. The Child Development Project Officer,Buxar
9. The Incharge Female Supervisor Anganwari Centre 233,Village/Panchayat Baruna,P.O. Baruna,P.S. Buxar Industrial Area,Dist.-Buxar
10. The Mukhiya Gram Panchayat Baruna,P.O. Baruna,P.S.Buxar Industrial Area,Dist.Buxzar
11. Savita Kumari W/o Satyendra Yadav R/o Village-Baruna,P.O.-Baruna,P.S.-Buxar Industrial Area,Dist.-Buxar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashwini Kumar Rai
Advocate
For the Respondent/s : Mr. Kumari Amrita
GP-3

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT
Date : 15-02-2019

Heard the learned counsel for the petitioner and the
State.

The petitioner is aggrieved by the order of the District
Magistrate, Buxar (Respondent No. 3) dated 28.09.2018
whereby her appeal against the order of the District
Programme Officer, Buxar dated 20.11.2013 has been



dismissed and the order of the District Programme Officer, Buxar has been affirmed and upheld.

The petitioner was initially appointed as Anganwari Sewika for the concerned Centre as she was placed at serial no. 1 in the merit list prepared by the Aam Sabha of the concerned Gram Panchayat. Later, the private-respondent no. 11, who was placed at serial no. 2 objected to the appointment of the petitioner on the ground that she did not come from the ward where the centre was situated and therefore in accordance with the guidelines for appointment of Anganwari Sewika / Anganwari Sahayika, the appointment of the petitioner was de hors the guidelines.

The contest of the private-respondent no. 11 was accepted by the District Programme Officer, Buxar, who vide his order 20.11.2013 directed for cancellation of appointment of the petitioner and in her place, private-respondent no. 11 to be appointed as Anganwari Sewika.

Against the aforesaid order passed by the District Programme Officer, Buxar, dated 20.11.2013, the petitioner preferred an appeal before the Collector, who after finding that



the petitioner did not hail from the concerned ward for her to qualify for being chosen as the correct person for being appointed as Anganwari Sewika, affirmed the order of the District Programme Officer, Buxar; notwithstanding the fact that the name of the petitioner was placed at serial no. 1 in the merit list.

The appointment of the private-respondent no. 11 has been upheld by taking into account that she had all the qualifications and her name was only second to that of the petitioner. The petitioner while challenging the aforesaid orders has brought on record the voter list of 2015 and 2017 in proof of the fact that she is a resident of such ward where the centre was located.

The aforesaid documents would not come to the aid of the petitioner as the appointment is of the year 2013 and voter list prior to the year 2013 would be the relevant document for any consideration in that regard. The District Programme Officer, Buxar as well as the District Magistrate, Buxar have referred to the voter list of 2011 which was the



relevant voter list for deciding the issue of the domicile of the petitioner.

This Court finds no anomaly or fault with the orders impugned in the present petition. As a result, the petition fails and is dismissed.

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	19.02.2019
Transmission Date	

