

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1063 of 2019

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Suchita Kumari, wife of Sunil Kumar Singh, resident of village – Dayalpur
Sighouli, Ward No. 13, P.S. - Rajapakar, District - Vaishali

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar, Patna
2. The Director, ICDS, Government of Bihar, Patna
3. The Divisional Commissioner, Tirhut Division, Muzaffarpur
4. The District Magistrate, Vaishali at Hajipur
5. The District Welfare Officer, Vaishali at Hajipur
6. The Child Development Programme Officer, Hajipur
7. The Mukhiya, Gram Panchayat, Dayalpur Sighouli, district – Vaishali at Hajipur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha
Advocate

For the Respondent/s : Mr. Prashant Pratap
GP-2

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 14-02-2019

Heard the learned counsel for the petitioner and the

State.

The petitioner, who had presided over the meeting of

Aam Sabha and had selected candidate in terms of merit for

being appointed as Anganwari Sevika in a particular Centre,

has approached this Court for a direction that such

recommendation be accepted by the CDPO of the concerned

ward / area.



It has been submitted on behalf of the petitioner that she, in her capacity of her being the permanent resident of village – Dayalpur in Ward No. 13 in the district of Vaishali had presided over the selection process for Anganwari Sevika of Ward No. 13. At the instance of the petitioner, it has been made known to this Court, an F.I.R. was registered against one of the applicants for such post which is subject matter of investigation in F.I.R. namely Rajapakar (Baranti OP) P. S. Case No. 95 of 2018 dated 01.06.2018 under Sections 353 and 379 of the I.P.C.

A grievance has been raised by the petitioner that respondent no. 6, who is the CDPO of the concerned ward, has not appointed Anganwari Sevika in the aforesaid centre. The petitioner has been representing against the functionaries of the Panchayat before the District Magistrate and the District Programme Officer but such complaints have yielded no results.

From the averments made in the writ petition, it appears that the petitioner has been taking unnecessary proactive interest in the selection process of Anganwari Sevika.



The job of the petitioner as President of the Aam Sabha for that particular selection process is over after the names are recommended. Thereafter, taking any extra / special effort in the selection of candidates can only be construed as the petitioner having some personal interest in the matter which is neither advisable nor can be supported under any count. If the petitioner has a public interest that an appointment on the post of Anganwari Sevika be made at the Centre which is vacant, this would fall in the realm of public interest, for which no petition can be filed under the present roster. If there is any personal interest of the petitioner, this cannot be countenanced for the simple reason that the petitioner has become functus officio after recommending the names of the candidates in accordance with their merit. In that case, any effort of the petitioner in that direction has the potency of such efforts being viewed as if the petitioner has a special, unnecessary and unsavory interest in a particular candidate.

For the reason that the petitioner has only made a prayer for filling up the vacant post of Anganwari Sevika in Ward No. 13, this Court refrains itself from giving any direction



for investigating the conduct of the petitioner also in the
aforementioned F.I.R. This Court rests its observation at that
only.

There is no merit in the writ petition and thus it is
dismissed.

(Ashutosh Kumar, J)

skm/-

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

