

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3212 of 2019

=====

Rinku Kumari W/o Sujeet Kumar Resident of Village-Vishnupatti,P.O.
Marai,P.S. Jandaha,Dist.-Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna
3. The Additional Director General of Police, vigilance Investigation Bureau, Bihar, Patna
4. The Director, Integrated Child Development Scheme, Bihar, Patna
5. The District Magistrate, Vaishali
6. The District Programme Officer (ICDS) Vaishali at Hajipur
7. The Child Development Project Officer, Jandaha, Vaishali
8. The Lady Supervisor, Child Development Project, Chandsarai, Jandaha, Vaishali
9. Sulekha Kumari W/o Shamsheer Kumar Resident of Village -Vishnupatti,P.O.
Marai,P.S. Jandaha,Dist.-Vaishali

... .. Respondent/s

=====

Appearance :

For the Petitioner : Mr. Kumar Pankaj, Advocate.
For the Respondents : Mr. Gyan Prakash Ojha (GA 7)
Mr. Abhishek Singh, AC to GA 7.

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 20-02-2019

Heard the learned counsel for the petitioner and the State.

2. The petitioner who is one of the applicants for being considered for appointment to the post of Aanganwari Sewika in Ward No. 8, Vishnupatti in Jandaha block in the district of Vaishali is aggrieved by the appointment of Private Respondent No. 9, bypassing her claim.

3. It has been submitted on behalf of the petitioner that in the Aam Sabha which was convened for



the purpose of preparing merit list, the petitioner otherwise would have been at the top because of her having secured first division in the Matriculation examination. The Private Respondent No. 9, to the information of the petitioner, who has lesser percentage/grade in the Matriculation examination, was fraudulently substituted the Matriculation certificate with Madhyama certificate which also was found to be fake. The petitioner has registered a complaint by way of a representation before the District Programme Officer (ICDS), Vaishali at Hajipur in the month of December 2018 but till date the same has not been acted upon.

4. Learned counsel for the petitioner submits that there is a serious apprehension that since all this irregularity has been committed by the Panchayat functionaries being hand in gloves with each other, the District Programme Officer, Vaishali may not be fair in his approach.

5. The aforesaid apprehension of the petitioner is unfounded. All the grounds which have been urged by the petitioner is required to be answered objectively by the District Programme Officer (ICDS) Vaishali at Hajipur who is the first appellate authority against any decision with respect to appointments of Aanganwari Sewikas.



6. There is another forum for the petitioner to agitate in case the order passed by the District Programme Officer (ICDS) Vaishali at Hajipur does not satisfy her in terms of fairness of the order.

7. Under the aforesaid circumstances and in order to facilitate the entire process of decision making at the end of the District Programme Officer (ICDS), Vaishali at Hajipur, the petitioner is directed to make a fresh representation before the concerned respondent within a period of two weeks from today, detailing the grievances and stating reasons for holding the appointment of Private Respondent No. 9 to be unauthorized, bypassing the genuine claim of the petitioner, who on receipt of such representation, shall dispose it of with a reasoned order within a further period of six weeks thereafter.

8. Needless to state that if the petitioner still remains aggrieved, she will have the opportunity of agitating her claim before the District Magistrate, Vaishali.

9. With the aforesaid direction/observation, the writ petition is disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.02.2019
Transmission Date	

