IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6280 of 2019

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Rimjhim Kumari, Sri Gopal Prasad Sinha, Resident of Village-Ujaini, P.O.-Kala Pahar Tendua, P.S.-Tandwa and District-Aurangabad

... ... Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department Social Welfare, Govt. of Bihar, Patna (Bihar)
2. The District Magistrate, Aurangabad.
3. The District Programme Officer, Aurangabad
4. The Child Development Project Officer, Block-Nabinagr, Aurangabad
5. Sarita Devi Wife of Dhiraj Kumar Sinha Resident of Mohalla-Sri Krishna Nagar Ahri, Ward no.8, Aurangabad, P.S. and District-Aurangabad

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Verma

For the Respondent/s : Ms. Kumari Amrita (GP3)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 30-04-2019

Heard Mr. Anirudh Kumar Verma, learned counsel for the petitioner and Ms. Anita Kumari, for the State.

The petitioner has challenged the order dated 02.01.2019, passed by the District Magistrate, Aurangabad in Anganwari Sevika Appeal No. 6 of 2017, whereby the order

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passed by the District Programme Officer, Aurangabad, which had been challenged by the petitioner, has been upheld.

The issue relates to appointment of Anganwari Sevika in Anganwari Centre at Ujjaini. The petitioner was placed at serial no. 1 in the merit-list and, therefore, was appointed as Anganwari Sevika. Her appointment was challenged by private-respondent no. 5, who was placed at serial no. 2 in the merit-list, on the ground that the petitioner did not hail from Ujjaini, rather was a permanent resident of Aurangabad town. The District Programme Officer, Aurangabad after hearing all the parties and perusing the documents furnished on behalf of the contesting parties, came to the conclusion that neither the petitioner nor private-respondent no. 5, who had initiated the complaint against such appointment were entitled to be appointed as both were residents of the Aurangabad town. As such, the District Programme Officer, Aurangabad directed for initiation of a fresh process of appointment.

The aforesaid order of District Programme Officer, Aurangabad was challenged before the District Magistrate,

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Aurangabad in Appeal No. 6 of 2017, which has been dismissed by order dated 02.01.2019.

The order impugned takes note of the fact that the petitioner is a resident of Ward No. 8 of the town of Aurangabad which fact was ratified by the Ward Councillor of the aforesaid ward. The petitioner was found to have purchased a plot of land in Aurangabad town. The District Magistrate, therefore, had concluded that the petitioner (appellant before the Collector) was not the resident of Ujjaini Panchayat and, therefore, was not entitled for being considered for such appointment. Similarly, the contention of the petitioner before the Collector about private-respondent no. 5, possessing two matriculation certificates with two different dates of birth, was also taken note of and she also was found to be unworthy of consideration. On these grounds, the District Magistrate affirmed and upheld the order passed by the District Programme Officer, Aurangabad .

This Court finds no fault with the aforesaid order of the District Magistrate and, therefore, considers that no interference is warranted.

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This petition lacks merit and is, therefore, dismissed.

(Ashutosh Kumar, J)

skm/-

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