

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5955 of 2015

Baby Kumari Wife of Niwas Kumar Sah Resident of Village Shisbanni P.O.
Piparpanti, P.S Gogari District Khagaria

... .. Petitioner/s

Versus

1. The State Of Bihar through the Collector Khagaria
2. The Divisional Commissioner, Munger Commissioner, Munger.
3. The Collector, Khagaria, District Khagaria.
4. The Child Development, Project Officer CDPO Gogari Block, Gogaeri Khagaria.
5. urmila Kumari Wife of Diwakar Das resident of Village- Shisbanni P.O. Piprpanti, P.S. Gogrui, District- Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Laxmi Kant Tiwary, Advocate
For the State	:	Mr.Raghwanand, GA 11
		Mr. Sanjay Kr. Tiwari, AC to GA 11

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 05-03-2019

Heard counsel for the petitioner and the respondent State.

The petitioner has challenged the order dated 16.08.2013 passed in Misc. Case No. 13/ 2012-13 by the District Magistrate, Khagaria and the order dated 03.12.2014 passed in Service Appeal No. 32 of 2013 by the Divisional Commissioner, Munger whereby the selection of Anganwari Sewika for Center Shishwani, ward no. 7 was found to be not in accordance with law.

The order of the District Magistrate clarifies the facts that pursuant to the selection process the petitioner was considered for selection by interpolating the computerized result in



handwriting. The petitioner has submitted before the District Magistrate that though she had submitted her application within time, in the computerized list published pursuant to the selection process her name was not published due to mistake and therefore, the CDPO had entered the petitioner's name in her own handwriting on the basis of marks obtained by the petitioner and declared her to be selected.

The entire issues travelled to the District Magistrate in Anganwari Sewika Case No. 13 of 2012. After going through the entire records the District Magistrate reached a finding that the petitioner as well as the respondent no. 5 were both ineligible for the selection in question. The handwritten insertion of petitioner's candidature in the computerized list (result published) cannot be sustained as the same was without giving any opportunity to the other candidates in the process and clearly without consideration of the petitioner's claim at the Aam Sabha where the selection in question was being considered.

As far as the claim of respondent no. 5 for selection to the center in question is concerned, it has been clearly recorded that she was already working as Gram Sachiv and as such she was dis-entitled for selection in question. The District Magistrate and



thereafter the Court of Commissioner at Munger Division, were both of the view that the selection was to be made afresh.

The pleadings further reveal that for selection to the center in question one advertisement was earlier published by the authorities in the year 2016 under Advertisement no. 1 of 2016. Thereafter, Aanganwari center in question has again advertised Advertisement no. 1 of 2017. The process afresh would only ensure that the best eligible candidate is appointed for discharging of the social welfare activities for which the center has been set up.

The writ petition is devoid of merit. The concurrent findings of the two authorities based on the records do not merit any interference by this Court under writ jurisdiction.

Writ petition is therefore, is dismissed.

(Madhuresh Prasad, J)

Prakash/-

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Transmission Date	

