

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5456 of 2015

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Anita Kumari wife of Ashok Kumar Mishtry, Resident of Village- Bijhara Math, Manjhiyawa Panchayat, Block Konch, P.S. - Konch, District- Gaya.

... .. Petitioner

Versus

1. The State Of Bihar through Principal Secretary, Social Welfare Department, Old Secretariat Patna
2. The District Magistrate , Gaya
3. The Deputy Director, Welfare, Magadh Division, Gaya.
4. The District Programme Officer, Gaya.
5. Sri Ram Uraon, Anchaladhikari, Block Konch, District- Gaya.
- 5A The Anchaladhikari, Block Konch District Gaya
6. The Child Development Project Officer, Block Konch, District- Gaya.
7. Smt. Sandhya Kumari , Child Development Project Officer, Block Kanch , P.S. Konch , District- Gaya.
8. Renu Kumari wife of Uday Sharma Resident of Village- Bijhara Math, Manjhiyawa Panchayat, Block Konch, P.S. - Konch, District- Gaya.
9. Guria Kumari Wife of Shyam Kishor Sharma Anganbari Sevika Ward no. Village - Bijhara Math , P.S. - Konch, P.O. , Dist- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Jayaswal
For the State	:	Mr. Nasrul Huda Khan, SC1
		Ms. Babita Kumari, AC to SC 1
For Respondent No. 8	:	Mr. Lal Bahadur Singh

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 23-04-2019

Heard learned Counsel for the petitioner, respondent State as well as the private respondent.

The writ petition has been filed for quashing of the order dated 24.12.2014 passed in Appeal Case No. 140(K) of 2014 which was filed by respondent No. 8. The Appellate Authority has



set aside order dated 31.5.2014 of the District Programme Officer on the application filed by the petitioner. The result is that respondent No. 8 has come to be selected as Anganwari Sevika for the center in question.

Counsel for the petitioner submits that the petitioner's rightful claim has been ignored by the respondent authorities on the basis of wrong consideration. Learned Counsel submits that even though respondent No. 8 is third empaneled candidate ignoring the second candidate, namely Suman Kumari, she has been selected as Anganwari Sevika. This shows bias with which the selection process has been conducted. Other submission advanced by the Counsel for the petitioner is that the respondents have ignored various documents submitted by the petitioner in support of her claim for being a resident of Ward No. 3. Specific reliance is placed on the certificate issued by the Circle Officer, Konch dated 17.12.2013.

Respondent State has filed a counter affidavit. It is their specific stand that as per electoral roll the petitioner, her father-in-law, mother-in-law and husband are all resident of Ward No. 4 as their names have been recorded in the voter list prepared by the State Election Commission. The letter dated 16.2.2012 issued by the Directorate of ICDS has been relied upon to emphasise that



centers are established in wards as per the electoral roll prepared by the State Election Commission. As such, inclusion of an applicant in the electoral roll for a particular ward is valid proof of the applicant being resident of the service area. Eligibility, therefore, has to be based on name of the applicant in the electoral roll. Since name of the petitioner and her entire family was in the electoral roll of ward No. 4, the respondent authorities were of the opinion that petitioner was not a resident of Ward No. 3 and, as such, not qualified for participating in the selection process for appointment of Anganwari Sevika in Ward No. 3.

Such stand of the State has not been denied or disputed by filing any rejoinder. Even otherwise, the stand based on letter issued by Directorate of ICDS appears to be correct in the opinion of this Court also. The reliance placed on the certificate issued by the Circle Officer dated 17.12.2012 cannot enure to the benefit of the petitioner, as the same has been issued at least eleven months after the panel was prepared for selection in question. The panel also shows that the second empaneled candidate was underage and, therefore, there was no occasion for the authorities to ignore the second candidate as she was not qualified for being selected on account of being underage.



The writ petition therefore is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

SNkumar/-

AFR/NAFR	NAFR
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