

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4519 of 2019

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Neelu Kumari, wife of Late Amrendra Kumar, resident of Village and Post Office- Keshauri, Police Station- Pakribarawan, District- Nawadah

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar, Patna
2. The Director, I.C.D.S., Bihar, Patna
3. The District Magistrate, Nawadah
4. The District Programme Officer, Nawadah
5. The Child Development Project Officer (C.D.P.O.), Pakribarawan
6. The Ladies Supervisor (Anganwari), Pakribarawan, District- Nawadah
7. Ward Member, Ward No.7, Gram Panchayat Raj, Poksi, Block- Pakribarawan, District- Nawadah
8. Rinki Kumari Wife of Manoj Kumar, resident of Village and Post Office- Keshauri, Block- Pakribarawan, District- Nawadah
9. Ranjana Kumari, wife of Mister Diwakar, resident of Village and Post Office- Keshauri, Block- Pakribatawan, District- Nawadah, Presently elected as Anganwari Sevika of Centre No.168, Ward No.7, Panchayat- Poksi, Block- Pakribarawan, District- Nawadah

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar
For the Respondent/s : Mr. Gyan Prakash Ojha (Ga7)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 26-03-2019

The petitioner as well as private respondent Nos. 8 and 9 had applied for being appointed as *Anganbari Sevika* under the I.C.D.S project, Pakribarwan in the District of Nawadah. The merit list which was prepared contained the names of private respondent Nos. 8 and 9 at serial Nos. 1



and 2 whereas the petitioner was placed at serial No. 3.

2. Since the academic qualification/certificates of private respondent Nos. 8 and 9 are stated/alleged to be forged and fabricated, private respondent No. 8, realizing the danger in submitting her academic credentials, opted out of the selection process. Unfortunately, it has been argued, private respondent No. 9, who too had furnished forged and fabricated educational certificates has been appointed and sent for training. This is the cause of grievance of the petitioner, who has made necessary complaint before the District Programme Officer, Nawadah (respondent No. 4) about two months back which has not yet been acted upon.

3. The learned counsel for the petitioner has submitted that in accordance to the guidelines of 2010, unless the complaint with regard to the appointment of *Anganbari Sevika* is disposed off, no appointment ought to be made or any person, who is offered appointment is to be sent for training. Bypassing/breaching the aforesaid directions/guidelines, private respondent No. 9 has been



sent for training, thus creating a third party right as the petitioner, who being the next candidate in the merit list would be appointed in case the candidature of private respondent Nos. 8 and 9 are not found to be worthy of consideration.

4. This Court is surprised at the lack-lustre approach of the District Programme Officer, Nawadah (respondent No. 4), who has not even issued notice to the concerned stakeholders after receiving complaint about two months back. Such a apathetic approach cannot be countenanced in the eyes of law.

5. No defense has been made by the State counsel with respect to such conduct of the State functionaries.

6. In the aforesaid circumstances, this Court directs the District Programme Officer, Nawadah (respondent No. 4) to dispose off the complaint by the petitioner after affording hearing to all the necessary parties i.e. the petitioner and the private respondent Nos. 8 and 9 and pass a reasoned order within a period of four weeks from the date of production of a copy of this order.



7. With the aforesaid observation/direction, the writ petition is disposed off.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01/04/2019

