

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12135 of 2014

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Sangita Devi Wife of Vinod Gupta Resident of Village- Gaura, Tola- Damaki,
P.O- Gaura, Block- Kateya, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Social Welfare, Government of Bihar, Patna.
3. The Director, Integrated Child Development Scheme, Department of Social Welfare, Government of Biha
4. The District Magistrate, Gopalganj.
5. The District Programme Officer, Gopalganj.
6. The Child Development Project Officer, Kateya Block, District- Gopalganj.
7. Ms. Heera Kumari D/o not known The Child Development Project Officer, Block- Kateya, District- Gopalganj.
8. Manju Devi @ Manju Kumari W/o Shambhu Gupta @ Shambhu Kumar Resident of Village- Gaura, Tola- Damaki, P.O.- Gaura, Block- Kateya, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Pandey No-5, Advocate
For the State	:	Mr.Sanjay Kumar, AC to SC 15
		Mr. Alok Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 11-03-2019

Heard learned counsel for the petitioner and the respondent State.

2. The petitioner along with others participated in the process of selection for Anganbari Sewika for Center no. 19 at Gaura Tola, Damaki.

3. The petitioner's grievance is that respondent no. 8 has been wrongly appointed ignoring the petitioner's legitimate



claim. The petitioner has specifically raised her grievance before the Director, ICDS alleging that two process were undertaken for selection of Anganwari Sewika to the center in question. The merit list for the first selection process was published on 26.01.2012 wherein the petitioner was at serial no. 3. The first two candidates were disqualified on one ground or the other making the petitioner only eligible candidate for selection in question.

4. It is the case of the petitioner that in order to favour some other person the process was initiated afresh and another merit list dated 27.06.2013 was finally published pursuant to the second selection process wherein the respondent no. 8 has been shown as the first candidate for selection as Anganwari Sewika.

5. The process initiated afresh would normally not constitute an issue against which the petitioner would be allowed to raise a grievance. However, the petitioner has alleged that in the two selection process the respondent no. 8 has relied upon two different date of births based on two different certificates. In one certificate which has been submitted by the respondent no. 8 in first selection process the date of birth of respondent no. 8 was 15.07.1988 and the same certifies her having 44.5 % marks. In the second certificate which was



submitted by respondent no. 8 in the second selection process her date of birth has been mentioned as 30.02.1990 having 85.5 % marks . It is this issue which was required to be examined by the authorities pursuant to the complain of the petitioner.

6. In the counter affidavit filed by the State it has been stated that the certificate submitted by the petitioner in the second selection process has been verified from the authorities and the same has been found to be correct and valid and therefore, there is no occasion to interfere in the selection process of respondent no. 8.

7. The specific claim of the petitioner was that the respondent no. 8 has relied upon two different certificates having different details in respect of her age as well as marks obtained by her in the matriculation examination. This is the aspect of the matter which has been raised by the petitioner in her grievance Annexure 3 before the Director, ICDS. This aspect of the matter as per counter affidavit filed by the State has not been examined by the authorities. This Court would therefore, observe that the issue should be looked into by the District Programme Officer, respondent no. 5. The petitioner would be at liberty to submit his detailed claim in respect of the said



allegations before the respondent no. 5 within four weeks. In the event such an application is filed, the respondent no. 5 would be obliged to consider the same and dispose it off by a reasoned and speaking order after hearing the parties concerned without any undue delay and expeditiously.

8. Writ petition is disposed off.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

