

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6159 of 2019

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Renu Kumari, Wife of Harishankar Singh, Resident of Village-Sohsa, P.S.-
Belaon, District-Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Bihar, Patna
2. The Director of Integrated Child Development Scheme, Bihar, Patna
3. The Collector-Cum-District Magistrate. Kaimur.
4. The District Programme Officer, Kaimur
5. The Child Development Project officer, Rampur, District-Kaimur.
6. The Supervisor, Child Development Scheme, Rampur District-Kaimur
7. Kusum Kumari, Wife of Brijanand Yadav, Resident of Village-Sohsa, P.S.,- Belaon, District-Kaimur

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Wali-Ur-Rahman, Advocate.
For the Respondents : Mr. Rajesh Kumar AC to GP-3

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 22-04-2019

Heard Mr. Wali-Ur-Rahman, learned advocate for
the petitioner and Mr. Rajesh Kumar, learned AC to GP-3
for the respondents.

2. The petitioner has challenged the order dated
28.12.2018 passed by the District Magistrate, Kaimur
Bhabhua, in Aanganwari Appeal No. 16 of 2018 which was
preferred by respondent no. 7.



3. From the perusal of the order impugned, it appears that in the panel which was prepared for appointment/engagement of Aanganwari Sevika at a particular centre, candidates who were placed at Serial No. 1, 2 and 3 were not offered appointment because their mark sheets were not found to be genuine. The tie was between the petitioner and private respondent no. 7.

4. It was brought to the notice of the District Programme Officer, Kaimur, Bhabhua that the husband of the petitioner was employed as an Engineer in a private company, drawing a salary of Rs. 12000/-, disentitling the petitioner from being appointed/engaged on the post of Aanganwari Sevika. The District Programme Officer did not consider such objection of private respondent no. 7 and directed for the appointment of the petitioner on the said post, which order was under challenge before the District Magistrate, Bhabhua in Aanganwari Appeal No. 16 of 2018, referred to above.



5. From the perusal of the order impugned, it appears that the petitioner was given a chance to demonstrate the incorrectness of the assertion of the appellant/private respondent no. 7 that her husband worked as an Engineer and drew a salary of Rs. 12000/- but nothing was offered in response to the aforesaid charge. Thus, the appointment of the petitioner was directed to be set aside and the concerned Child Development Project Officer was directed to initiate process for fresh appointment of Aanganwari Sevika.

6. Mr. Wali-Ur-Rahman, learned counsel appearing for the petitioner has submitted that for the denial of such charge against the petitioner, necessary documents and instructions were given to the lawyer who unfortunately did not choose/consider it important to bring to the notice of the appellate authority.

7. Such a ground cannot be taken at this stage for interfering with the order passed by the Collector,



Bhabhua, when the petitioner had an opportunity of participating and explaining her cause.

8. The order impugned therefore is affirmed and the challenge of the petitioner to the aforesaid fails.

9. However, in the fresh process for appointment, the petitioner shall have the liberty to apply, if so advised and if the appointment process has not yet been concluded, and the termination of appointment of the petitioner in the instant case would not be treated as a disqualification.

10. With the aforesaid direction/observation, the petition is dismissed.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.04.2019
Transmission Date	

