

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7821 of 2019

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Bibi Farhat Naaz @ Bibi Farhat Naz Wife of Md. Abrar, Resident of
Panchayat Khutia, Village-Chandragaon, Police Station-Biasi, District-Purnea

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Department of Social Welfare,
Government of Bihar, New Secretariat, Patna
2. The Director, Department of Social Welfare, Government of Biuhar, New
Secretariat, Patna
3. The Divisional Commissioner, Purnea.
4. The District Magistrate Purnea.
5. The District Programme Officer, Purnea.
6. The Child Development Programme Officer, baisi, Purnea
7. The Block Developement Officer, Baisi, Purnea.
8. Mushrat Khanam, Wife of Munna Mujasam, Resident of Village-
Chandragaon, P.S. Baisi, District Purena.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar
For the Respondent/s : Mr. S.K.Mandal (SC-3)
Ms. Neelam Kumari, AC to SC-3

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 10-05-2019

1. Heard Mr. Sanjeet Kumar, learned counsel for the
petitioner and Mr. S. K. Mandal, learned SC-3, for the State.



2. The petitioner has challenged the orders passed by the District Magistrate, Purnea dated 14.12.2012 as well as the Divisional Commissioner, Purnea in Miscellaneous Anganwari Appeal No. 03 of 2017 dated 19.12.2018.

3. The case of the petitioner in the nutshell is that she had applied for being appointed as Anganwari Sevika at the concerned Anganwari Centre and was placed at serial no. 3 in the merit-list. The appointment was offered to the person at serial no. 2, who is private-respondent no. 8 in the present petition. The candidature of the person at serial no. 1 was rejected on the ground of such person being relative of a government servant. The petitioner challenged the appointment of private-respondent no. 8 before the District Magistrate, Purnea on the ground of her mother also being engaged as an Anganwari Sevika.

4. The learned counsel for the petitioner has submitted that in Clause 4.12(ii) of the Rules of 2011, mother and daughter cannot be appointed as Anganwari Sevika and Anganwari Sahayika.



5. The aforesaid objection was rejected by the District Magistrate, Purnea, which order was affirmed by the Divisional Commissioner, Purnea in appeal on the ground that the disqualification attaches to only such persons, who comes within the relationship of a government servant or semi-government servant. Anganwari Sevika and Anganwari Sahayika do not fall in the category of government servant or semi-government servant. So far as the disqualification with respect to mother and daughter being Anganwari Sevika and Anganwari Sahayika respectively is concerned, such disqualification is available only if at a particular centre, mother and daughter are appointed as Anganwari Sevika and Anganwari Sahayika respectively. It is no disqualification for being appointed on the post of Anganwari Sevika if the mother of such aspirant is also an Anganwari Sevika or Anganwari Sahayika at a different centre. What is prohibited is on a particular centre, the mother and the daughter should not be appointed as Anganwari Sevika and Anganwari Sahayika respectively.



6. This Court finds no anomaly or fault in the orders
impugned in the present petition.

7. The writ petition is dismissed accordingly.

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	11.05.2019
Transmission Date	

