

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.12226 of 2019**

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Laxmi Kumari @ Laxmi Devi, aged about 21 years, female, W/o Chandan Ram, resident of Village-Baghini, P.S.-Mohania, District-Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Kaimur at Bhabhua.
3. The District Programme Officer, Kaimur at Bhabhua.
4. C.D.P.O., Mohania, Kaimur at Bhabhua.
5. Shivkumari Devi, D/o Murah Ram, Resident of Village-Baghini, P.S.-Mohania, District-Kaimur at Bhabhua.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Alok Kumar Jha, Adv.

For the Respondent/s : Mr. Gyan Prakash Ojha (GA7)

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**

**ORAL JUDGMENT**

**Date : 25-06-2019**

The petitioner has challenged the order dated 04.04.2019 passed by the District Magistrate, Kaimur at Bhabhua in Aanganbari Appeal No. 9 of 2018, whereby the order passed by the District Programme Officer, Kaimur at Bhabhua has been set-aside and he has been directed to initiate fresh appointment process.



2. The petitioner along with others and private respondent No. 5 had applied for being appointed as Aanganbari Sevika at the concerned Aanganbari Centre. The private respondent No. 5 was recommended to be appointed on that post. However, the petitioner lodged a complaint before the District Programme Officer, Kaimur at Bhabhua, challenging the appointment of private respondent No. 5 on the ground that she had furnished wrong date of birth. It was submitted on behalf of the petitioner before the District Programme Officer that at various places, different dates of birth of private respondent No. 5 were mentioned. Evidence was produced before the District Programme Officer that private respondent No. 5 had given birth to a daughter and if the entries with respect to her date of birth was taken to be correct, she would have been presumed to have delivered a baby when she was only eight years old.

3. However, bypassing all the aforesaid objections and only relying upon the recommendation of the concerned Supervisor, the District Programme Officer, Kaimur at Bhabhua had directed for appointment of private



respondent No. 5 on such post of Anganbari Sevika. This order of the District Programme Officer was challenged before the District Magistrate, Kaimur at Bhabhua, who found that the decision of the District Programme Officer was incorrect. Instead of asking the District Programme Officer to initiate the appointment process of the petitioner, who was ranked second to private respondent No. 5 in the merit list, the District Magistrate, on finding that more than one year had elapsed since the recommendation by the Aam Sabha of the Panel from which the appointment could be made, further directed the District Programme Officer to initiate a fresh appointment process.

4. The petitioner is aggrieved by this part of the order of the District Magistrate.

5. Since one year had already elapsed, it was only advisable for the District Magistrate/the second Appellate Authority to have directed for initiation of a fresh proceeding. No fault can be found with the order of the District Magistrate, Kaimur at Bhabhua. It would be open for the petitioner to apply afresh, should such



recruitment/appointment process is initiated.

6. For the aforesaid reasons, the petition has no merits and the same is dismissed.

**(Ashutosh Kumar, J)**

Praveen-II/-

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