

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 5887 of 2016

=====

Sita Devi Wife of Sri Akhileshwar Singh resident of village Dhawai P.S.
Suryapura Block Suryapura District Rohtas at Sasaram

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary --cum- Commissioner, Department of Social Welfare, Government of Bihar, Patna
2. The Director Social Welfare Department, Main Secretariat Govt. of Bihar, Patna
3. The District Magistrate, Rohtas at Sasaram
4. The Deputy Director, Social Welfare, Patna Division, Patna
5. The District Programme Officer, Social Welfare Department, Rohtas at Sasaram
6. The Child Development Project Officer, Suryapura, District- Rohtas
7. The Block Development Officer Block Suryapura District Rohtas
8. Rajwanti Kumari wife of Sri Durga Prasad Singh resident of village Dhawai P.O. Dhawai Block Suryapura District Rohtas at Sasaram

... .. Respondent/s

=====

For the Petitioner/s	:	M/s Kishore Kr Thakur, Brij Kishore Singh, Advs
For the S t a t e	:	Mr Ajay Behari Sinha, GA VIII with Mr Suryakant Kumar, AC to GA VIII
For Respondent No 8	:	Mr Sanjay Kumar Ojha, Advocate

=====

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 16-01-2019

Heard learned counsel for the petitioner, State and also the private respondent.

2 Learned counsel for the petitioner submits that the petitioner's selection was done by the *Aam Sabha* for the Center in question but overriding the decision of the *Aam Sabha*, private respondent was given the selection letter pursuant to the direction issued by the Deputy Director (Welfare) in Angan Bari Appeal Case No 154 of 2014 dated 07.08.2015/19.08.2015.

3 Order of the District Magistrate dated 31.01.2012 issued in Angan Bari Case No 38 of 2010 has taken note of the



dispute between the petitioner and the private respondent. The rival claims have been directed to be verified from the concerned authorities as the certificates being relied upon by the petitioner were disputed before the District Magistrate in the proceedings arising out of Angan Bari Case No 38 of 2010.

4 This Court would find that the District Magistrate, Rohtas has, by order dated 31.01.2012, merely directed that the candidature of the petitioner was to be verified with reference to the certificates produced by her in favour of her candidature from the concerned authorities. No final decision/adjudication had been done by the District Magistrate in respect of the inter se dispute between the petitioner and the private respondent.

5 Appeal Case No 154 of 2014, therefore, appears to have been filed without there being any decision in favour of either of the parties. This Court would further observe that it is in the interest of the welfare scheme for which Anganbari Centers are established. For appointing a bona fide and eligible candidate, the directions of the Collector contained in order dated 31.01.2012 should have been given effect to and validity of the candidature of the petitioner should have been enquired. The directions of the District Magistrate to this effect in the order dated 31.01.2012 has been scuttled by the order of the Deputy Director (Welfare) passed



in Angan Bari Appeal Case No 154 of 2014 dated 07.08.2015/19.08.2015.

6 This Court would, therefore, quash the order dated 07.08.2015/19.08.2015 passed by the Deputy Director (Welfare) in Angan Bari Appeal Case No 154 of 2014.

7 In view of quashing of order dated 07.08.2015/19.08.2015 passed by the Deputy Director (Welfare) in Appeal Case No 154 of 2014, this Court would observe that the directions of the Collector contained in order dated 31.01.2012 be executed and appropriate and necessary verification as per order dated 31.01.2012 of the District Magistrate, Rohtas in respect of candidature of the petitioner be done in accordance with law positively within a period of three months from the date of receipt/production of a copy of this order.

8 The entitlement of the parties would rest upon the final conclusion of the proceedings in Angan Bari Case No 38 of 2010.

9 The writ petition is allowed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.01.2019
Transmission Date	NA

