

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13562 of 2013

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Kumari Poonam Mishra @ Poonam Mishra, W/O Shri Sanjeev Kumar
Ranjan, R/O Village - Bishwar, P.S. Guthani, District - Siwan

... .. Petitioner

Versus

1. The State of Bihar through the Director, I.C.D.S., Bihar, Patna.
2. The Assistant Director I.C.D.S., Bihar Patna.
3. The Commissioner, Saran.
4. The District Magistrate, Siwan.
5. The District Program Officer, Siwan.
6. The Child Development Officer, Guthani, District Siwan.
7. Panchayat Secretary, Panchayat Bishwar, P.S. Guthani, District - Siwan
8. Rinki Kumari, W/O Shri Dhananjay Kumar Mishra, R/O Village - Bishwar,
P.S. Guthani, District – Siwan.
9. Smt. Vinita Mishra, W/O late Ashok Mishra, R/O Village - Bishwar, P.S.
Guthani, District - Siwan

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Chandra Kant, Advocate
For the Respondent/s	:	Mr. Anirban Kundu, S.C.-24
For the Respondent No.9:		Mr. Deepak Kumar, Advocate
		Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 21-06-2019

Heard learned counsel appearing for the respective
parties.

2. In this case, the petitioner is challenging the order dated 18.07.2012 passed by the Commissioner of Saran Division, Chapra, in Anganbari Appeal No.265 of 2008 on the ground that there was no necessity for holding the selection process in second time when the selection process by holding



Aam Sabha was conducted on 13.04.2007, in which Rinki Devi, was holding the first position in the merit list, but her mark-sheet was found to be forged and the petitioner was the second one and as such, the offer of appointment of Anganbari Sevika should be given to her, but instead of offering the appointment, a fresh process of selection was conducted, in which Vinita Mishra, respondent no.9, has illegally been appointed.

3. Learned counsel for the petitioner fairly submits that the Guidelines, which he has attached is of the year 2010, which is not applicable in the present case, but the Guidelines of 2006 will be applicable in the present case and there is no such provision in the said Guideline that in the event of resignation by the selected candidate on the basis of forged certificate the offer will be given to second one.

4. As no such waiting list was there, the Guidelines itself provides, if a wrong has been done in the selection process, in that event a fresh selection has to be embarked by the Selection Committee by calling Aam Sabha and the best person will be appointed as Anganabri Sevika.

5. In view of the submission of the petitioner as well as the private respondent as it is who has pointed out that



Guidelines of 2006 will be applicable in the present case not the Guidelines of 2010, which fortified the view of the Commissioner that nothing wrong has been done in holding the second selection procession in which the Vinita Mishra, respondent no.9, has been appointed.

6. In such view of the matter, this Court does not find any error in the impugned order, accordingly this writ petition is dismissed.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
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