

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11037 of 2013

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1. Bimla Singh Wife of Sri Pawan Lal Singh Resident Of Village - Nawkhola, P.O. Belwa, P.S. and District - Kishanganj
 2. Phul Kumari Devi Wife of Surat Mirdha Resident of Village - Lamba Basti, P.O. Chakla, P.S. and District - Kishanganj
 3. Kashmiri Begum Wife Of Md. Babul Resident Of Village - Kaulha Banwa, P.O. Singhiya, P.S. and District - Kishanganj
 4. Sarifun Nisha @ Sarfun Nisha Wife Of Mirazul Islam Resident Of Village - Banbari, P.O. Singhiya, P.S. and District - Kishanganj
 5. Afsari Begum Wife Of Md. Tanveer Alam Resident Of Village - Tekna, P.O. Singhiya, P.S. and District - Kishanganj
 6. Anokha Devi Wife Of Sri Tufanu Lal Sharma Resident Of Village - Chakla Ghat, P.O. Chakla Ghat, P.S. and District - Kishanganj
 7. Umme Kulsum Wife Of Md. Harun Rashid Resident Of Village - Belwa, P.O. Belwa, P.S. and District - Kishanganj
 8. Shamima Khatoon Wife Of Md. Irfan Resident Of Village - Boma Basti, P.O. Gachh Para, P.S. And District - Kishanganj
 9. Marijiya Khatoon Wife Of Parvez Alam Resident Of Village - Chhagalia, P.O. Belwa, P.S. and District - Kishanganj
 10. Tanjila Khatoon Wife Of Md. Sufiyan Resident Of Village - Kaulha, P.O. Gachhpara, P.S. and District - Kishanganj
 11. Nafis Fatma Wife Of Bali Jaffar Resident Of Village - Lona Danga, P.O. Gachhpara, P.S. and District - Kishanganj
 12. Sabina Praveen @ Sabana Praveen Wife Of Md. Enamul Haque Resident Of Village - Islampur, P.O. Belwa, P.S. and District - Kishanganj

... .. Petitioners

Versus

1. The State Of Bihar
2. The Secretary, Welfare Department, Government Of Bihar, Patna
3. The District Magistrate, Kishanganj, District - Kishanganj
4. The District Program Officer, Kishanganj, District - Kishanganj
5. The Child Development Project Officer, Kishanganj, District - Kishanganj

... .. Respondents

Appearance :

For the Petitioners : Mr.Shashi Bhushan Kumar -Manglam, Advocate
For the Respondents : Mr.Sita Ram Yadav, GP-16..



CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 19-11-2019

Heard learned counsel for the petitioners and learned counsel for the respondent-State.

The petitioners are aggrieved by cancellation of their selection as '*Anganbari Sevikas*' in 12 Centers by an order of the District Magistrate dated 16.06.2012. Their selection had been done by the selection letter dated 12.07.2011.

The brief background is that upon their selection their joining was not being accepted. They Approached the local public representative raising a grievance regarding their non- joining. The local representative recommended their case for joining to the District Magistrate, Kishanganj (Respondent No.3). The District Magistrate, Kishanganj, in turn, has directed the District Programme Officer (Respondent No.4) to look into the legality of the selection of the petitioners. Finding three infirmities in the selection process that the quorum of '*Aam Sabha*' was not complete and the signatures of beneficiaries were not



obtained in the proceedings book and, that there was no videography of the selection process. The selection of all the petitioners were found to be bad.

Learned counsel for the writ petitioners submits that the report of the District Programme Officer dated 06.06.2012, wherein, these findings were recorded was never made known to the petitioners not only the same has been relied upon but even the copy of the report of the District Programme Officer has not been served on the petitioners prior to issuance of impugned order dated 16.06.2012 by the District Magistrate, Kishanganj.

The Authorities have filed a counter affidavit. They maintain their stand regarding the selection of the petitioners being illegal. There is nothing brought on record to show that copy of the report submitted by the District Programme Officer was made available to the petitioners. In fact, specific assertion of the petitioners in the writ petition is that copy of the report was not served has not



been commented upon though a detailed counter affidavit has been filed.

In the circumstances, this Court would consider it appropriate that the order of the District Magistrate dated 16.6.2012 is quashed. The Authorities should make available copy of the report dated 06.06.2012 to the petitioners and consider the case afresh in accordance with law.

The petitioners, in order to facilitate such process, should appear before the District Magistrate, Kishanganj (Respondent No.3) along with copy of this order for receiving copies of the report submitted by the District Programme Officer within a period of four (04) weeks. The report of the District Programme Officer would be made available to the petitioners when they appear before the District Magistrate, Kishanganj. If the petitioners are aggrieved by the report, then it would be open to them to assail the same before the District Magistrate, Kishanganj, by way of an Appeal under the existing provisions of the guidelines.



The writ petition is allowed to the aforesaid extent.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
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Transmission Date	N/A

