

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2288 of 2017

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Smt. Mahalakhshmi Kumari, Wife of Manik Chand Maya, Resident of Village-Bariyahi, Ward No.13, Post Office-Devottar, Police Station-Banmankhi, District-Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Social Welfare, Govt. of Bihar, Patna-800001.
2. The Director ICDS Integrated Children Department, Administrative-Cum-District Officer, Patna.
3. The Joint Commissioner-cum-Secretary, Regional Transport Authority, Officer of Sub-Divisional Commissioner, Purnea.
4. The District Officer, Purnea
5. The District Programme Officer, Purnea.
6. The Deputy Collector, Land Reforms, Banmankhi, Purnea.
7. The Child Development Program Officer, Banmankhi, Purnea .
8. Namrta Kumari, Wife of Arvind Kumar, R/o Vill. Bariyahi, Ward No. 13, P.O.-Deveottar, P.S.-Banmankhi, District-Purnia.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Thakur, Adv.
For the Respondent No.8 : Mr. Ashok Kumar, Adv.
For the State : Ms. Neelam Kumari, AC to SC-3

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 19-04-2019

Heard the learned counsel for the parties.

2. The petitioner is aggrieved by the order



passed by the District Programme Officer, Purnea dated 09.06.2015, contained in Memo No. 802, as also the order passed by the District Magistrate, Purnea in Appeal No. 315 of 2015 dated 27.10.2016, whereby the order of the District Programme Officer, referred to above, has been upheld.

3. The petitioner was appointed as Anganbari Sevika at the concerned Centre. The aforesaid appointment was under challenge on the basis of some irregularity having been committed in the process of appointment.

4. The District Programme Officer, Purnea, on finding that the Mapping Register was only signed by a *Panch* and not by the Lady Supervisor and the Child Development Project Officer, held that there was no compliance of the requirements under the Rules framed for appointment of Anganbari Sevika/Sahayika. As a result, the District Programme Officer by his order dated 09.06.2015, referred to above, cancelled the appointment of the petitioner and directed for selection of a new



candidate after observing the due procedure with respect to such appointment.

5. The aforesaid order was challenged by the petitioner before the District Magistrate, Purnea, who has also ratified the order of the District Programme Officer, Purnea on precisely on the same grounds on which the District Programme Officer had terminated the appointment of the petitioner.

6. The learned counsel for the petitioner has drawn the attention of the Court to the Mapping Register, copy of which has been obtained by him through R.T.I., on which the signature of the Lady Supervisor appears quite clearly. It is, therefore, submitted that the District Magistrate, Purnea, without looking into the records of the case, has only repeated what the District Programme Officer, Purnea had to say about the appointment process. The order passed in Appeal is, therefore, unsustainable in the eyes of law.

7. Perused the Mapping Register brought on record by petitioner.



8. The Mapping Register contains a short signature, without there being any indication as to who has signed such Mapping Register.

9. However, in view of a categorical statement made by the petitioner in the writ petition that the Mapping Register was properly prepared and signed by the competent officer and which statement has not been controverted in the counter affidavit, this Court has no option, but to accept the statement made on behalf of the petitioner.

10. The order of the District Programme Officer, Purnea and the District Magistrate, Purnea, referred to above, are set-aside on this ground alone.

11. The matter is remitted to the District Magistrate, Purnea to pass a fresh order in accordance with law, after hearing the petitioner, the private respondent No. 8, who has been appointed in place of the petitioner and other stakeholders, on receipt/production of a copy of this order. The hearing shall be completed and a reasoned order shall be passed by the District



Magistrate, Purnea within a period of eight weeks from the date of receipt/production of a copy of this order.

12. With the aforesaid observation/direction, the writ petition stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	23.04.2019
Transmission Date	N/A

