

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14445 of 2019

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Madhumita Kumari W/o- Jai Shankar Ray resident of Village- Janardanpur,
P.S.- Kalyanpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
2. The District Magistrate, Samastipur.
3. The District Programme Officer, Samastipur.
4. The Child Development Project Officer Kalyanpur (Center no. 31)
5. The Lady Supervisor Kalyanpur, Samastipur.
6. The Ward Member Ward No. 12, Gram Panchayat Raj Belsandi, Kalyanpur Block, Samastipur.
7. The Panch Gram Panchayat Raj Belsandi, Kalyanpur Block, Samastipur.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 22-07-2019 Let the name of Ms. Bela Singh be deleted from

the daily cause list as it has wrongly been printed.

Heard the learned counsel for the petitioner and

the State.

The petitioner, a desirous candidate for being

appointed as Anganwari Sevika, had approached this Court

earlier *vide* C.W.J.C. No. 3941 of 2019, seeking a direction

to the concerned functionaries for completing the process of

appointment which had begun with the publication of the



advertisement in accordance with the Rules of 2016. The process could not be completed because of some dispute with respect to summoning of Aam Sabha and formation of ward. This Court *vide* order dated 05.03.2019 directed the petitioner to make a representation before the District Magistrate, who was further directed to dispose off such representation by a reasoned order. Pursuant to the aforesaid direction, the District Magistrate, after hearing the parties, has passed the order on 14.06.2019 contained in Memo No. 2446 rejecting the prayer of the petitioner for completing the appointment process of Anganwari Sevika on the basis of the advertisement which was issued earlier. The District Magistrate, before passing the order had asked for a report from the C.D.P.O. and District Programme Officer, Samastipur, who informed the District Magistrate that Aam Sabha could not be held because of various issues and, therefore, the appointment process for Centre No. 31 could not be completed. The District Magistrate further took note of the fact that the major ground for the Aam Sabha not taking a decision was because the dispute which arose on



31.10.2016 with respect to the formation of the ward and, therefore, the whole process was stayed. With the amendment in the 2016 Rules, the panel prepared for the purposes of selection of Anganwari Sevikas was given the a life of only one year. On the basis of these facts, the District Magistrate, Samastipur was of the view that the earlier process with regard to the advertisement issued for appointment of Anganwari Sevika at Centre No. 31 could not be reopened and, therefore, directed the District Programme Officer, Samastipur to initiate fresh process of appointment forthwith.

Learned counsel for the petitioner has submitted that amendment in the Rules about which reference has been made in the order impugned only talks about the life of the panel and not of the advertisement.

Apart from this, it has been submitted that the C.D.P.O. gave information to the District Magistrate only with respect to the Rules of 2015 but the appointment process was initiated under the Rules of 2016 which was substantially different.



In any view of the matter, it would not be expedient now to issue any mandamus for beginning and completing the appointment process issued under the advertisement which was brought about under the 2016 Rules.

Now the Rules of 2019 are in place and necessary directions have been issued to the concerned District Programme Officer for initiating the process of appointment . Should the petitioner still remain desirous and eligible, she would be at liberty to participate in the aforesaid appointment process if it is initiated.

This Court finds no fault with the order passed by the District Magistrate, Samastipur, which has been impugned in the present petition.

With the aforesaid observation / direction, this petition stands disposed off.

(Ashutosh Kumar, J)

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