

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19204 of 2019

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Rekha Kumari, Wife of Rambhu Rai, Resident of Village Sipar, P.O. Singhauli, Ward No. 6, Gram Panchayat Raj Kherwa, P.S. Basantpur, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Social Welfare, Government of Bihar, Old Secretariat, Patna.
2. The Director, Integrated Child Development Scheme (ICDS), Directorate Department of Social Welfare Government of Bihar, Old Secretariat, Patna.
3. The Collector, Siwan.
4. The District Programme Officer, Siwan.
5. The Block Development Officer, Block Bhagwanpur, Siwan.
6. The District Programme Officer, Siwan.
7. The Child Development Project Officer, Bhagwanpur, Siwan.
8. The Chairman, Selection Committee, Anganwari Centre, Gram Panchayat Raj, Kherwa, Block Bhagawanpur, District- Siwan.
9. The Member, Selection Committee, Anganwari Centre, Gram Panchayat Raj Kherwa, Block Bhagwanpur, District- Siwan.
10. The Panchayat Secretary, Gram Panchayat Raj Kherwa, Block Bhagwanpur, District- Siwan.
11. Rinku Devi, Wife of Manoj Raj, Village Sipar, P.O.- Singhauli, Ward No. 6, Gram Panchayat Raj Kherwa, P.S. Basantpur, District Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Prakash Verma, Advocate
For the Respondent/s : Mr. Asit Kumar Jha, AC to GP-2

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 25-10-2019 Heard learned counsel for the parties.

2. The petitioner has put to challenge an order dated 28.05.2019, passed by the Collector, Siwan in Anganwari Case No. 03 of 2018-19 whereby the petitioner's appeal in respect of selection of Anganwari Sevika of Center No. 149 under the



Panchayat Raj Kherwa (Bhagwanpur Hat) in the district of Siwan has been rejected. By the impugned order, the Collector, Siwan has refused to interfere with the order of the District Programme Officer, Siwan dated 23.06.2016 whereby the petitioner's complaint against selection of respondent no. 11 as Anganwari Sevika was rejected.

3. It is the specific case of the petitioner that she is more meritorious than respondent no. 11, who was selected.

4. I have perused the impugned orders. From the orders it can be easily noticed that there is categorical finding that the petitioner was not present for counseling on the date of meeting fixed for the purpose of selection. It has been held by the appellate authority that physical presence of a candidate on the date of meeting is mandatory and since the petitioner was not present, she could not have been selected.

5. Learned counsel appearing on behalf of the petitioner has submitted that her claim has not been decided on merits. He contends that the petitioner had, as a matter of fact, participated in the counselling process and she has been intentionally shown absent though she was present. He submits that the petitioner was admittedly an applicant and had more merit points in her favour than respondent no. 11.



6. Be that as it may, in view of the concurrent finding by the two authorities of fact that the petitioner was not physically present at the time of counselling, despite notice about the meeting convened for selection, I do not find any justification for interfering with the impugned orders.

7. This application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

Rajesh/-

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