

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1584 of 2019

=====

Binita Kumari W/o Manish Kumar Ojha Vill. and Post- Sandaur, Gram
Panchayat- Pipra Jagdishpur, Ward No. 5, P.s.- Bihiya, Distt.-Bhojpur

... .. Petitioner/s

Versus

1. The State Of Bihar through Directorate of ICDS, Deptt. of Social Welfare,
Govt. of Bihar, Patna
2. The Deputy Development Commissioner Bhojpur
3. The District Programme Officer Bhojpur
4. The Child Development Project Officer Bihiya, P.s.-Bihiya, Distt.-Bhojpur
5. The Panchayat Secretary Gram Panchayat- Pipra Jagdishpur, P.s.-Bihiya,
Distt.-Bhojpur
6. Sandhya Devi W/o Sunil Kumar Singh Vill. and P.o.- Sandaur, Gram
Panchayat- Pipra Jagdishpur, Ward No. 5, P.s.-Bihiya, Distt.-Bhojpur

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Mishra
For the Respondent/s : Mr.Prashant Pratap (Gp2)

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 30-01-2019 Heard the learned counsel for the petitioner and

the State.

With respect to a vacancy which had arisen for the

post of Anganwari Sewika in Bihiya Circle, a process was

initiated for appointment of Anganwari Sewika to fill up that

post. The post was reserved for Extremely Backward

Community (EBC). The petitioner hails from the general

category and it so happened that in the meetings of the Aam

Sabha, it was found that there were no candidates in the

category of EBC or of Backward Category. Hence, it was



decided that in the absence of suitable candidates in special categories, candidates of general category can also be considered. Thereafter, it has been asserted on behalf of the petitioner that Respondent No. 7 was selected in her place and was appointed on the post of Anganwari Sewika at the concerned centre.

Be it noted that only two candidates were in fray, namely, the petitioner and Respondent No. 7.

Learned counsel for the petitioner submits that the appointment of Respondent No. 7 was de hors the rules of appointment in that regard as nobody whose near relative is in government employment is eligible for being engaged as Anganwari Sewika. The husband of Respondent No. 7 is stated to be a government teacher, thereby dis-entitling her for being selected for the post.

Mr. Awadhesh Kumar Mishra, learned advocate for the petitioner has further submitted that despite her continuously representing before the respective / concerned authorities, her grievance has not yet been redressed.

It appears that the petitioner has been barking up



the wrong tree for redressal of her grievances.

Under the aforesaid circumstances, the petitioner is directed to make a representation before the District Programme Officer, Bhojpur within a period of four weeks from today, bringing on record the objection with respect to employment / engagement of Respondent No. 7 on the post of Anganwari Sewika. On receipt of such representation, the District Programme Officer, Bhojpur shall look into the matter and if necessary afford hearing to Respondent No. 7 also and then pass a speaking order in accordance with law within a period of six weeks from the date of receipt of such representation.

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

(Ashutosh Kumar, J)

skm/-

U			
---	--	--	--

