

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19121 of 2019

Prabha Kumari, Wife of Arvind Prasad, Resident of Village- Vishunpur, P.O. Bermi, P.S. Nawada, District- Nawada (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Nawada.
3. The District Programme Officer, Nawada.
4. The Sub- Divisional Officer, Nawada.
5. The Child Development Project Officer Nawada.
6. Anupam Kumari Wife of Shiv Kumar Resident of Village- Vishunpur Ward No. 3, P.S. Nawada, District- Nawada.
7. Kiran Kumari Wife of Vinay Kumar Resident of Village- Vishunpur Ward No. 3, P.S. Nawada, District- Nawada.
8. Punam Kumari Wife of Rohit Ranjan Resident of Village- Vishunpur Ward No. 3, P.S. Nawada, District- Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms. Leelawati Kumari, Advocate
For the Respondent/s : Mr. Binay Kumar, AC to SC-10

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 05-11-2019 Heard learned counsel for the parties.

2. This writ application has been filed seeking quashing of an order dated 10.07.2017, passed by the District Programme Officer, Nawada in Misc. Case No. 42 of 2016 whereby petitioner's selection as *Anganwari Sevika* for *Anganwari* Centre No. 273 in Village Vishanpur in the district of Nawada has been cancelled with a direction to the Child Development Project Officer, Nawada to complete the process



of selection after placing the inquiry report before the *Aam Sabha*. The petitioner had preferred an appeal before the District Magistrate, Nawada, which too came to be dismissed by an order dated 30.07.2019, passed in Appeal Case No. 397 (M)/2017.

3. The process of selection was initiated with the issuance of an advertisement in 2015. In the merit-list, the petitioner was admittedly placed at the bottom. She was, however, selected on the reasoning that the persons placed above her were not eligible to be appointed on various grounds. Selection of the petitioner was challenged by respondent no. 6 by filing an application before the District Programme Officer, Nawada giving rise to Case No. 42 (Misc.)/2016. The District Programme Officer, Nawada allowed the application filed by respondent no. 6 taking into account the irregularities and infirmities noticed by him in the process of selection. The order dated 10.07.2017, passed by the District Programme Officer, Nawada, which has been brought on record by way of Annexure-3 to the writ application, is apparently well reasoned and has taken into account various facts including the fact that in the proceedings of the meeting of the *Aam Sabha*, no basis was disclosed to reach a conclusion that the candidates, who



figured at serial no. 2 and 3, were residents of some other place which was the basis for holding them ineligible for the post. He recorded in his order that without any sufficient material, candidates placed above the petitioner in the merit-list were held to be ineligible.

4. The said finding recorded by the District Programme Officer, Nawada has been affirmed by the District Magistrate, Nawada in his appellate order dated 30.07.2019. The order of the District Magistrate has taken into account various grounds taken by the petitioner in her appeal.

5 There is, thus, concurrent finding recorded by the District Programme Officer and the District Magistrate, Nawada about the irregularities committed in the process of selection for appointment to the post in question. The said orders do not suffer from any infirmity requiring this Court's interference under Article 226 of the Constitution of India.

6. I do not find any merit in this application, which is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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