

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.24368 of 2019**

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Maheshwari Devi @ Maheshwari Kumari, wife of Mulchand Paswan,  
resident of Ward No. 13, village- Dinbandhi, Nirmali, P.S.- Balua Bazar,  
District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar, Patna.
2. The Principal Secretary, Department of Social Welfare, Government of Bihar, Patna.
3. The Director, I.C.D.S., Bihar, Patna.
4. The Commissioner, Koshi Division, Saharsa.
5. The District Officer-cum-District Magistrate, Supaul.
6. The District Programme Officer (I.C.D.S.), Supaul.
7. The Child Development Project Officer, Basantpur, District- Supaul.
8. The Selection Committee for Anganwari Sevika for Anganwari Centre in Ward No. 13, Gram Panchayat- Dinbandhi, P.S.- Balua Bazar, District- Supaul, through its Chairman, Ward Panch of Ward No. 13, Dinbandhi, P.S.- Balua Bazar, District- Supaul.
9. Punam Kumari, wife of Sanjay Kumar Paswan, resident of village and Panchayat- Dinbandhi (Ward No. 13), Block- Basantpur, P.S.- Birpur, District- Supaul.

... Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr.Amrit Abhijat                           |
| For the Respondent/s | : | Mr.S. K. Mandal, S.C.3                     |
|                      |   | Mr. Ravi Ranjan Kumar Singh, A.C. to S.C.3 |

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

2      06-12-2019                      Heard both sides.

The petitioner seeks direction for quashing of the resolution dated 01.06.2018 of the Selection Committee for selection of Anganwari Sevika for Ward No.13, Gram Panchayat Dinbandhi, P.S. Balua Bazar, Basantpur, District-Supaul by which respondent No.9(Punam Kumari) was selected in spite of the fact that she having less marks/points from the petitioner and further to quash the order dated 24.11.2018 passed by the



District Programme Officer, Supaul in Case No.4 of 2018 contained in Memo No.2726 dated 24.11.2018 by which the District Programme Officer affirmed the resolution of the Selection Committee and also to quash the order dated 07.09.2019 passed by the District Magistrate, Supaul in Anganwari Appeal Case No.6 of 2019 confirming the resolution and the order of the District Programme Officer finding no fault in the appointment of respondent No.9 on the post of Anganwari Sevika.

Learned counsel for the petitioner submits that the petitioner admittedly got higher marks but the petitioner was not selected on the ground that she happens to be daughter-in-law of the Ward Member. The father-in-law of the petitioner tendered resignation on 10.05.2018 before the Block Development Officer but the authority erroneously did not consider this fact and found the selection of respondent No.9 in accordance with law. It is further submitted that all the officials have decided illegally that the father-in-law of the petitioner tendered his resignation after the date of selection. The resolution of the Selection Committee shows that the father-in-law of the petitioner informed the Selection Committee that he had already tendered his resignation and in his place, Yogendra Ram, Ward Panch would preside over the meeting but on perusal of the order of the District Magistrate as well as District Programme Officer, I find no substance in the submission of the learned counsel for the petitioner. The father-in-law of the petitioner firstly tendered his resignation before the Block Development Officer on 10.05.2018. Such tender of resignation before unauthorized officer amounts not tendering any resignation. Later on, father-in-law of the petitioner sent his resignation on



28.05.2018 through registered post and Panchayat Secretary of the concerned Panchayat received the resignation letter of the father-in-law of the petitioner on 18.06.2018 and placed it before the Mukhiya who accepted the resignation letter of the father-in-law of the petitioner on 19.06.2018. The selection process was held on 01.06.2018 and on that day, the father-in-law of the petitioner was Ward Member of the concerned Ward in which the selection was held.

Having considered the facts aforesaid, I do not find any merit in this writ petition. Accordingly, this writ petition is dismissed.

**(Prabhat Kumar Jha, J)**

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