

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3033 of 2020

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Nirmala Kumari Wife of Radhakant Rai Resident of Village- Satghatta, P.O.-
Hanthwan, P.S. Alaluli, District-Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Director, I.C.D.S. Directorate, Social Welfare Department, Government of Bihar, Patna.
3. The Commissioner, Munger District, Munger
4. The Collector, Khagaria.
5. The District Programme Officer, Khagaria.
6. The Child Development Project Officer, Alauli, District- Khagaria.
7. Rupam KUmari Wife of Rupesh Kumar Resident of Village-Satghatta, P.O.-
Hanthwan, P.S. Alauli, District-Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar Singh, Adv.
For the Respondent/s : Mr.S.K.Mandal (SC3) with Mr. Bipin Kumar &
Mr. Arjun Prasad, AC to SC-3

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 27-02-2020

Heard learned counsel for petitioner and learned counsel
for the respondent-State.

The petitioner was an applicant for selection as
'*Anganwari Sevika*' and the selection of the petitioner has been
done by issuance of a selection letter pursuant to which, it is
submitted by petitioner's counsel that she has also undergone
training.

It is, in this background, that the present writ petition has
to be considered. The petitioner's selection has subsequently



been cancelled based on order passed by the District Programme Officer (*for short 'DPO'*), Khagaria dated 18.07.2018, the complaint was made by the first empanelled candidate, namely, Rupam Kumari. The DPO, after going through the records, has found that the petitioner has levelled grievances and allegations against the educational testimonials submitted by the complainant, namely Rupam Kumari, who, in the instant writ petition, is Respondent No.7. The said aspect has been considered by the DPO but, on the other, it has also been considered that though the '*Aam Sabha*' was convened on 11.03.2015 for taking decision in respect of the testimonial submitted by Respondent No.7, no decision was taken. Abruptly, ten months later in purported compliance of some verbal decision of the District Magistrate, the Selection letter has been issued in favour of the petitioner. This procedure has rightly been deprecated by the DPO. The procedure is bad also for the fact that in between the first empanelled candidate and petitioner, who is at Sl. no. 3, there is also another candidate, namely, Kanchan Kumari, who was above the petitioner in terms of the marks obtained in the process of selection.

The petitioner's counsel submits that the petitioner has already been selected and undergone training. The second



empanelled candidate had failed to appear and produce her document at the '*Aam Sabha*'. This Court is not inclined to go into these disputed issues. Postponing the '*Aam Sabha*' for ten months after 11.03.2015 and thereafter issuing the selection letter in favour of the petitioner does not inspire confidence in petitioner's selection. In this connection, the conclusions of the DPO, Khagaria appears to be correct. The same has also been upheld by the District Magistrate in his order dated 26.07.2019.

The whole purpose of selection of the '*Aam Sabha*' is to ensure dissemination of welfare measure to the beneficiary children in the locality. It is only in the interest of the objective for social welfare required to be achieved pursuant to the selection that selection process should be done afresh so as to ensure that the best persons is selected.

The writ petition is dismissed.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17.03.2020
Transmission Date	

