

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2706 of 2020

=====

ABHA KUMARI Wife of Shri Santosh Kumar Bharti, Resident of Village-
Kusha East, Ward No. 10, P.O. Belahri, P.S. and Block- Kumarkhand,
District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar represented through Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Director, Integrated Child Development Scheme Directorate, Government of Bihar, Patna.
3. The District Magistrate, Madhepura.
4. The District Programme Officer, Madhepura.
5. The Child Development Project Officer, Kumarkhand, District- Madhepura.
6. The Female Supervisor, Kusha, Block- Kumarkhand, District- Madhepura.
7. The Gram Panchayat, Belari, Block- Kumarkhand, District- Madhepura, through its Panchayat Secretary and
8. Smt. Neetu Kumari, Wife of Shri Sanjay Yadav, resident of Village- Kusha East, Ward No. 10, P.O. Belahri, P.S. and Block- Kumarkhand, District- Madhepura.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Adv.
For the Respondent/s : Mr.Prashant Pratap (Gp2)

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 26-02-2020 Heard learned counsel for petitioner and learned counsel
for the respondent-State.

The petitioner has approached this Court assailing the order passed by the Collector and District Programme Officer, rejecting her challenge to the selection of Respondent No.8, who happened to be the second empanelled candidate, in the panel prepared for selection of '*Anganwari Sevika*' on



25.10.2016.

The brief facts apparent from the averments in the writ petition is that after selection of the first empanelled candidate on 25.10.2016, she submitted her resignation in November, 2016 itself.. Thereafter, the second empanelled candidate (Respondent No.8) has been selected as '*Anganwari Sevika*' for the Centre in- question.

The petitioner's counsel placing reliance in the case of *State of Punjab vs. Ragbir Chand Sharma and Anr.* reported in *(2002) 1 SCC 113* submits that such selection could not have been made of the second empanelled candidate in view of the law laid down by the Apex Court. It is also submitted that the guidelines dated 05.04.2016, under which, selection was being done also does not provide for selection of a second empanelled candidate. It is, thus, submitted that the selection was required to be done afresh.

The submissions of the petitioner's counsel has to be viewed in the background of the pleadings made in the writ petition. On specific query being made as to what was the date of the advertisement , the petitioner's counsel is not in a position to point out the same as the said details is not available in the writ petition. The guidelines applicable on the date of



advertisement are to be applied in respect of the process of selection. In absence of the date of advertisement, the petitioner cannot be permitted to assert that the guidelines dated 05.04.2016 was the guidelines applicable to the selection in question.

Even if for the sake of argument, the submission of the petitioner's counsel that the 2016 guidelines were applicable, is to be accepted, this Court would observe that the same does not bar selection from the panel of the second empanelled candidate, in case the first empanelled candidate resigns within a month of her selection. The observation of the Court is also in view of the scheme and the purpose for which selection of *Anganwari Sevika* is being done. The objective is to disseminate welfare measure for the children and female beneficiary of the area. After a detailed process, when panel is being prepared, it would only be in furtherance of the social welfare objective that if resignation is done by the first empanelled candidate within a month the second empanelled candidate could be selected. There is no such bar also in the guidelines. Apart from that, it is in keeping with the settled legal position that normally the panel life should continue for one year. The petitioner was an applicant in the selection



process. The Authority also has considered this aspect of the matter regarding life of the panel being for one year having regard to the decision of the General Administration Department in this regard which unless there is a contrary provision, would apply to all selections made within the State of Bihar.

No enforceable claim is made out in the writ petition. The same is **dismissed**.

(Madhuresh Prasad, J)

shyambihari/-

U			
---	--	--	--

