

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1741 of 2020

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Lalita Devi, W/o Swami Nath Mandal, Resident of Village Bhattaganwa, P.S.
Kasba, District -Purnea.

... .. Petitioner

Versus

1. The State of Bihar Bihar.
2. The Director, I.C.D.S., Patna.
3. The District Magistrate cum-Collector, Purnea.
4. The District Planning Officer, Purnea.
5. The Child Development Project Officer, Jalalgarh, Purnea.
6. The Regional Woman Supervisor, Sarsoni Prakhand Jalalgarh, Purnea.
7. Smt. Anjali Devi, Ward Panch, Ward No. 11, Village Kutchwari Raj Sarsoni Prakhand Jalalgarh, District-Purnea.
8. Gunwati Devi, Wife of Ashok Mahto, Resident of Village Bhattagama Ward No. 11 Panchayat, Sarsoni, P.S. Jalalgarh, District Purnea.
9. Sunita Kumari, Wife of Vishnu Deo Mandal, Resident of Village Kisan Tola Damda Ward No. 11 Panchayat, Sarsoni, P.S. Jalalgarh, District Purnea.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Respondent/s : Mr.Md.Raisul Haque (Sc10)

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-02-2020 The petitioner was an applicant in the process of selection of Anganwari Sevika/Sahaika for Center No. 121, Ward No. 11 Panchayat Saroni, Block Jalalgarh in the district of Purnea. It is pleaded that there were total four applicants. Respondent No. 8 was places at No. 1. One Sunita Kumari (respondent No. 9) was in second place. The petitioner was admittedly at third place.

The case of the petitioner is that on 24.10.2017 the second candidate (respondent No. 9) was selected as Sevika. The same was objected to by respondent No. 8. On 5.11.2018 the District



Programme Officer under order bearing Memo No. 1604 cancelled the selection of respondent No. 9 and directed for selection of respondent No. 8.

On 18.7.2019 the District Programme Officer after noticing the parties and hearing the matter again cancelled the selection of respondent No. 8. It is under these circumstances that respondent No. 8 filed an appeal before the District Magistrate, Purnea, bearing Service Appeal Case No. 12 of 2019. On 15.10.2019 the same was allowed. It is this order which has been challenged by the petitioner, who was the third empanelled candidate in the process of selection, but not a party to the proceedings before the District Magistrate.

From perusal of the order it is apparent that the District Magistrate has interfered with the order dated 18.7.2019 on the ground that the District Programme Officer could not have exercised power to review his earlier order dated 5.11.2018 when no such power was conferred under the Selection Guidelines of 2016, applicable in the case. However instead of directing for selection of respondent No. 8, he has directed that selection should proceed after advertisement afresh. The order of the District Magistrate assailed by the petitioner has been passed on a dispute in regard to selection process between respondent Nos. 8 and 9. The petitioner has not brought on record any order by the District Programme Officer or the District Magistrate on any application made by her. It is clear



that the petitioner had not raised any issue before the authorities claiming selection as Anganwari Sevika by virtue of her position as the third empanelled candidate. Further this Court would observe that the order of the District Magistrate has merely directed for selection process after advertisement afresh. The petitioner and all other eligible candidates therefore have not been debarred.

In the aforesaid facts and circumstances, having not raised her claim before the authorities, the petitioner cannot now raise a dispute based on the order passed by District Magistrate in a dispute between respondent Nos. 8 and 9. This is more so, in view of the fact that the District Magistrate has ordered for a fresh process of selection.

The writ petition appears to be thoroughly misconceived.

The same is dismissed.

(Madhuresh Prasad, J)

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