

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19904 of 2011

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KUMARI USHA DEVI @ USHA DEVI, Wife of Sharad Kumar, Resident of
Village - Narsinghbagh Gram Panchayat - Dhurgaon, Block and District -
Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar, Patna
2. The Director, I .C. D. S. Bihar, Patna
3. The Commissioner, Koshi Division, Saharsa
4. The District Officer-Cum-District Magistrate-Cum-District Collector, Madhepura
5. The District Programme Officer, Madhepura
6. The Sub-Divisional Welfare Officer, Madhepura
7. The Child Development Project Officer, Madhepura
8. Kumari Ranjan Rani, Wife of Shri Sharwan Kumar, Resident of Village - Narsinghbagh, Ward No. 2, Gram Panchayat - Dhurgaon, P.O.- Narsinghbagh, P.S. District - Madhepura

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amrit Abhijat, Adv.
For the Respondent/s : Mr.P.N. Sahi AAG-14

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 27-02-2020 This writ application has been filed seeking quashing of an order dated 11.08.2011, passed in Anganbari Appeal No. 4/2010/51/2010 by the Commissioner, Koshi Division, Saharsa whereby he has reversed the order passed by the District Magistrate, Madhepura by which selection of respondent no. 8 against the post of Anganbari Sevika was set aside on an application filed by the petitioner.



2. The dispute relates to selection for the post of *Anganbari Sevika* for Centre No. 173, Musahari Tola, Narsinghbagh, Gram Panchayat Dhurgaon in the district of Madhepura. The petitioner was one of the applicants on the basis of her claim that her house figures in the mapping register for the centre in question. It was her claim that despite the fact that she was at the top of the merit-list prepared for such selection, her candidature was rejected and respondent no. 8 was selected despite the fact that she was less meritorious than the petitioner.

3. Making such allegation, an application was filed before the District Magistrate, Madhepura. The District Magistrate, Madhepura, on consideration of records, found that there were irregularities in preparation of mapping register and accordingly he, while setting aside selection of respondent no. 8, remanded the matter back for preparation of fresh mapping register and conduction of fresh selection for the said post.

4. The petitioner and respondent no. 8 both filed appeals against the said order of the District Magistrate before the Divisional Commissioner, Koshi Division, Saharsa giving rise to Misc. Appeal No. 48 of 2010 and 51 of 2010. The Divisional Commissioner has noticed that the petitioner was



wrongly treated to be belonging to the feeder area in question and inclusion of her name at serial no. 224 was an outcome of a fraudulent act with the aid of the departmental officers/employees. The Divisional Commissioner, after dealing every aspect of the matter, threadbare recorded his conclusion that the petitioner was not a resident of the feeder area and, therefore, she was not entitled to be considered for selection in question.

5. Learned counsel appearing on behalf of the petitioner, assailing the impugned order, has relied on the Guidelines issued by the Welfare Department, Government of Bihar dated 20.04.2007 with special reference to paragraph-2 thereof to contend that the petitioner had a right to be considered for *Anganbari* Centre in question, as the said Guidelines required that if a family was not falling in one of the feeder areas under the scheme, the said family shall be included in the feeder area of one of the *Anganbari* Centres.

6. The said submission is not acceptable to this Court for the reason that there is specific finding recorded by the Divisional Commissioner to the effect that the house of the petitioner falls in the area of Dayaram Tola, Centre No. 179 of the concerned Gram Panchayat. The said conclusive finding, based on materials available before the Divisional



Commissioner, requires no interference by this Court, as the same cannot be said to be based on irrelevant materials or without any material.

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

(Chakradhari Sharan Singh, J)

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