

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21144 of 2019

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Babita Kumari Wife of Bipul Kumar Resident of Village- Dhaniawa, Police
Station- Nardiganj, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Welfare Department,
Bihar, Patna.
2. The District Magistrate Nawada.
3. The Block Development Officer Nardiganj, District- Nawada.
4. The Child Development Project Officer Nardiganj, District- Nawada.
5. The Project Officer Nardiganj, Nawada.
6. The Mahila Parwachhika Bal Vikas Priyojna, Nardiganj, Nawada.
7. Rubi Kumari Wife of Binay Kumar Resident of Village- Dhaniwa,
Panchayat (PES) Ward No. -4, of Nardiganj, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amarendra Nath Tiwary
For the Respondent/s : Mr.Md. Raisul Haque (Sc10)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 14-01-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner has come to this Court seeking a
direction to the respondents to cancel the appointment of Rubi
Kumar (respondent no. 7) and commanding the respondents to
appoint the petitioner on the post of “Anganbari Sevika” in
village Dhaniawa, Panchayat (PES), Ward No. 4, Anganbari
Kendra and also for quashing the order dated 06.08.2018 by
which respondent no. 7 was appointed on the basis of Pairvi as
her appointment was against the law.



Learned counsel for the petitioner submits that the petitioner and the three other female candidates applied for the post of Anganbari Sevika in village Dhaniawa, Panchayat – Pes, Ward No. 4, Nardiganj, Nawada. They were Rubi Kumar, W/o Binay Kumar (respondent no. 7), Nitu Kumari W/o Satish Kumar, Sony Kumari W/o Santanu Kumar and Babita Kumari (petitioner) W/o Bipul Kumar. It is further submitted that at the time of application, Rubi Kumari, who was then functioning as a ward member & Up-mukhiya of the same ward could not have filed her application without tendering her resignation and, therefore, her application was fit to be rejected in accordance with law and the guidelines relating to the appointment of Anganbari Sevika. He further submits that instead of doing so, the respondents have proceeded to appoint her on the post which is wholly irregular and warrants interference by this Court. Learned counsel for the petitioner, thus, submits that the other applicants were also not eligible as the father-in-law of Nitu Kumari was a retired School Teacher and could not be considered for the post in view of the law of appointment whereas Sony Kumari was also not a fit candidate as she did not come in the Jati Bahulta. This, left the petitioner, Babita Kumari, to be the only eligible candidate but ignoring all settled principles



and guidelines, the respondents have proceeded to appoint respondent no. 7 and, thus, her appointment should be set aside and the petitioner appointed on the post of Anganbari Sevika.

Learned counsel for the State, however, submits that the appropriate remedy in such matters lay before the Child Development Project Officer but the petitioner has not approached the appropriate authority but has come directly to this Court.

Learned counsel for the petitioner, however, submits that the petitioner has also applied to the District Magistrate as well as Child Development Project Officer (Annexure-3A & B) but since they have not taken any action on the petitioner's claim, he has been constrained to move this Hon'ble Court.

However, in view of the aforementioned facts and circumstances and noticing the glaring irregularity in the appointment as no "Jan Pratinidhi" can be appointed as per Rule -6 of the guidelines of the year, 2016, the matter is relegated to the Child Development Project Officer to conduct an enquiry in the matter forthwith and if it is found that the respondent no. 7 was in fact a ward representative then needless to say for appointment could be cancelled after due notice to all the relevant parties and appropriate steps be taken within a period of



six weeks for appointing any other fit candidate which shall also include the petitioner. The said exercise must be completed within a period of six weeks from the date of receipt/production of a copy of this order.

With the aforesaid observations/directions, the writ application stands disposed of.

(Anjana Mishra, J)

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