

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21102 of 2019

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Bebi Kunwar @ Usha Devi W/o late Baijnath Ram, Resident of Village Mahathu, Ward No. 14 P.S. Jamohor, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Director Integrated Child Development Programme (ICDS), Bihar, Patna.
2. District Magistrate, Aurangabad, District- Aurangabad.
3. District Programme Officer Aurangabad District- Aurangabad.
4. Child Development Programme Officer Obra, Aurangabad, District- Aurangabad.
5. Asha Kumari, W/o Guddu Kumar, Resident of Village Mahathu, Ward No. 14, P.S. Jamhore District- Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha, Advocate
For the Respondent/s : Mr.Md. Raisul Haque (SC-10)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 14-01-2020 Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner, who was a candidate for the post of Anganbari Sahayika has come to this Court praying for a mandamus directing the respondent authorities to appoint the petitioner on the post of the Sahayika at Anganbari Centre Mahathu (Middle) Code No. 218, Ward No. 14, Village Panchayat Sansouli under Obra Block, Aurangabad as she is a widow and has priority rights towards the said



appointment.

Learned counsel for the petitioner submits that the respondent authorities ignored the case of the petitioner and adopted the plea that the name of the petitioner was not figuring either in the voter list or in the mapping register and, therefore, her case could not be considered for appointment on the post of Sahayika. He further submits that taking this as a pretext, the respondents have proceeded to appoint one Asha Kumari (respondent no. 5) as there were only two candidates and after eliminating the petitioner on the aforementioned grounds, the said Asha Kumari has been appointed by the Aam Sabha in its meeting which is evident from the proposal no. 10 of the Aam Sabha. Learned counsel for the petitioner further submits that this fact came to be known to the petitioner only after she applied for the copy of the aforementioned proceedings of the Aam Sabha where from she came to know that the authorities had rejected her case as her name was not found in the mapping register though the name of the husband was found in the voter list. He, thus, submits that the authorities may be directed to conduct a fresh



enquiry in the matter and after determining the issue at hand, as she is the only available candidate and has priority to the post of Anganbari Sahayika in the said ward, her case may not be negated on such frivolous grounds and she be granted the appointment as has been prayed for.

Learned counsel appearing on behalf of the State, however, submits that there are certain discrepancies in her application which need to be inquired into.

Be that as it may, let the petitioner approach the District Programme Officer, Aurangabad with a copy of this order. The District Programme Officer, then shall conduct a proper enquiry regarding the petitioner and upon ascertaining as to whether she belongs to the said village and after perusing all relevant documents proceed to pass appropriate orders in accordance with law. Needless to say, the selected candidate shall also be given an opportunity of hearing in the matter so as to enable her to bring any other document which may be available if at all to negate the case of the petitioner. The said exercise should be conducted positively by the District Programme Officer within a period of six weeks from the date of receipt/production of a



copy of this order.

With the aforesaid direction, the writ application
stands disposed of.

(Anjana Mishra, J)

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