

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24830 of 2019

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Ranjana Kumari Wife of Rajesh Kumar Singh Resident of Village- Khurhan,
P.S.- Alamnagar, District- Madhepura, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar Through The Additional Chief Secretary, Social Welfare Department, Government of Bihar.
2. The Director ICDS, Bihar, Patna.
3. The District Magistrate Madhepura, Bihar.
4. The District Program Officer Madhepura, Bihar.
5. The Child Development Program Officer Alamnagar, Madhepura, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No.2, Advocate Mr. Avinash Kr. Singh, Advocate
For the Respondent/s	:	Mr. Rajesh Kumar, A.C. to G.P. 3

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 18-01-2020

Heard learned counsel for the parties.

2. The dispute relates to selection for the post of *Anganbari Sevika* for Anganbari Centre No. 148 admittedly situated in Ward No. 5, Khurhan Gram Panchayat, Alamnagar, in the District of Madhepura. The process of selection had begun in 2013, for which, the petitioner had also applied. For some reasons or the other and according to the petitioner, it was handiwork of the CDPO to include the said *Anganbari* Centre with Ward No. 6 in place of Ward No. 5 for accommodating one Kavita Kumari. Since the petitioner belongs to Ward No. 5 and the Centre was treated to be under Ward No. 6, the petitioner



was left out from the process of selection altogether. The decision of the CDPO to consider the said Centre for Ward No. 6 was questioned and it appears that finally it has been held, up to the level of the District Magistrate in Madhepura in Appeal Case No. 13/2018, that inclusion of said *Anganbari* Centre with Ward No. 6 was improper. Finally, by an order dated 9.2.2019 while holding as above, the Collector, Madhepura, has directed the Child Welfare Officer, Alamnagar, to ensure compliance of the order of the District Programme Officer, Madhepura, dated 9.11.2015 in this regard within three months.

3. The order of the District Magistrate dated 09.02.2019 is being assailed in the present writ application filed on 10.12.2019. It is the petitioner's case that during the pendency of the selection process, the petitioner has crossed the upper age limit fixed for selection against the post of *Anganbari* Centre, in the meanwhile, and she has thus lost a chance of being considered.

4. Learned counsel appearing on behalf of the petitioner has submitted that since the petitioner has been made to suffer for no fault on her part, the respondents be directed to give her age relaxation.

5. I have perused the impugned order dated



09.02.2019, from which it is evident that the District Programme Officer, whose order was under challenge in Appeal before the District Magistrate was of the opinion that the *Anganbari* Centre was wrongly tagged with Ward No. 6 instead of Ward No. 5. The petitioner had thus a right to be considered for the said *Anganbari* Centre, she being a resident of Ward No. 5.

6. However, it is noteworthy that the order of the Collector passed in February, 2019, are impugned in the present writ application, whereby specific direction was given to the Child Development Project Officer, Alamnagar, to ensure that a fresh process of selection is completed within a period of three months. Three months elapsed from the order of the Collector dated 09.02.2019 in May 2019 itself. There is no dispute as to whether the selection process has already been completed or not in the light of the said impugned order dated 09.02.2019.

7. Considering the facts and circumstances of the case, this writ application is disposed of with an observation that if the impugned order dated 09.02.2019 has not been complied with so far and a process of selection is yet to start, the District Programme Officer shall consider



permitting of applicants of Ward No. 5 who had initially applied for their selection as *Anganbari* Centre in question in 2013, for the purpose of their selection for the said post.

8. This writ application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

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