

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25111 of 2019

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Hemlata Kumari, W/o Sri Prakash Kumar Pankaj, R/o of Village Parail,
Block- Alamnagar, P.S.- Ratwara, District- Madhepura, Bihar-852210

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Integrated Child Development Services, Govt. of Bihar, Patna
2. The Director Integrated Child Development Services, Govt. of Bihar, Patna
3. The Collector Govt. of Bihar, Madhepura
4. The District Program Officer Madhepura
5. The Deputy Director Welfare Department, Koshi Range, Saharsa
6. The Child Development Project Officer Alamnagar, Madhepura
7. Smt. Shobha Devi, W/o Rajkumar Ram, R/o Village - Parail, Block- Alamnagar, P.S.- Ratwara, District- Madhepura, Bihar-852210

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Deepika Sharma, Adv. Mr. Rajat Kr. Tiwary, Adv.
For the Respondent/s	:	Mr. Binay Kumar, AC to Sc-10

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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 petitioner has put to challenge an order dated 04.10.2019, passed by the Collector, Madhepura in *Anganbari* Appeal Case No. 10 of 2018, whereby he has affirmed an order of the District Programme Officer, Madhepura dated 02.01.2018, passed in *Anganbari* Case No. 04 of 2012-13.

3. The facts for adjudication of the dispute at hand are short and not at all in dispute. There was a selection process undertaken for engagement as *Anganbari Sevika* for *Anganbari*



Centre situated at Ramtola, village Parail under Gram Panchayat Raj, Khapur in the district of Madhepura.

4. This is not at all in dispute that the petitioner's date of birth is 18.01.1987, as recorded in her matriculation certificate. She, amongst others, had applied for the said post. A copy of the application has been brought on record by way of Annexure to the present writ application. In the application, which has been annexed to the writ application, the petitioner is said to have disclosed her date of birth as 18.01.1986, which fact is being disputed by the petitioner and it is being stated that, in fact, she had written her correct date of birth 18.01.1987 and by an act of interpolation, the same has been made 18.01.1986 instead.

5. This is also not in dispute that with her date of birth as 18.01.1987 she was not eligible for her selection as *Anganbari Sevika*, as she had not completed the requisite age of 18 years on the prescribed date, as stipulated under the Guidelines issued by the Directorate of I.C.D.S. under Welfare Department, Government of Bihar. Certain complains were made against the petitioner's selection after few years, which gave rise to *Anganbari* Case No. 04 of 2012-13 before the District Programme Officer. The District Programme Officer



conclusively held that the petitioner did not have the basic eligibility condition in terms of her age for her selection as *Anganbari Sevika* and, therefore, her selection was contrary to the Guidelines. After having recorded the said finding, the District Programme Officer not only directed for cancellation of the petitioner's selection but has also directed the Child Development Project Officer, Alamnagar to take appropriate action against the petitioner for having fraudulently obtained the engagement as *Anganbari Sevika* and for recovery of the amount received by her. The said order was passed by the District Programme Officer, evidently, keeping in mind the incorrect entry made in the application form of the petitioner's date of birth as 18.01.1986. The petitioner's appeal has been dismissed by the Collector, Madhepura by the impugned order dated 04.10.2019 after taking into account all relevant aspects of the matter, as is manifest from the said order, which has been brought on record by way of Annexure-5 to the writ application.

6. Learned counsel appearing on behalf of the petitioner has submitted that at the time of her selection the petitioner had submitted a certificate of having passed matriculation examination and after verification of the records, the selection in her favour was made, more than 15 years back.



She has submitted, with reference to a decision of this Court dated 01.12.2011 in C.W.J.C. No. 13952 of 2011 (Sunita Kumari vs. The State of Bihar and others) that appointment of the petitioner of that case as *Anganbari Sevika* was found to have been made at an age below the requisite age of 18 years and despite that this Court did not interfere with her selection as *Anganbari Supervisor*.

7. I have perused the impugned orders, which are reasoned and speaking. This is not disputed that the petitioner was ineligible for her selection as *Anganbari Sevika* in terms of her age. The petitioner's plea that she had given correct description of her date of birth in her application cannot be accepted in the present proceeding in the light of concurrent findings recorded by the Collector and the District Programme Officer, Madhepura which is contrary to the petitioner's case. It transpires from the records that the petitioner was found to be the only candidate available for selection, as other candidates had failed to turn up.

8. In the present proceeding, I am not inclined to comment upon the manner in which the selection was done leading to petitioner's engagement as *Anganbari Sevika*, over and above what has already been made by the Collector and the



District Programme Officer, Madhepura in their respective orders. The impugned orders do not require interference by this Court.

9. However, the said orders are modified to the extent that the respondents shall not proceed to recover any amount from the petitioner paid to her against honorarium for the period during which she had, in fact, worked as *Anganbari Sevika*.

10. This application is disposed of with the aforesaid observations.

(Chakradhari Sharan Singh, J)

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