

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.289 of 2020

In
Civil Writ Jurisdiction Case No.1262 of 2020

=====

Anupam Kumari Wife of Shiv Kumar Resident of Bishanpur, P.O.- Bermi,
Panchayat- Loharpura, Anchal- Nawada Sadar, P.S./District- Nawada.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Dept., Bihar, Patna.
2. The Director, I.C.D.S. Directorate, Social Welfare Dept., Bihar, Patna.
3. The District Magistrate, Nawadah.
4. The Deputy Development Commissioner, Nawada.
5. The District Program Officer (ICDS), Nawada.
6. The Child Development Project Officer, Nawada Sadar, P.S./Prakhand-Nawada, Distt- Nawada.
7. Prabha Kumari Wife of Arbind Kumar Resident of Bishanpur, P.O.- Bermi, Panchayat- Loharpura, Anchal- Nawada Sadar, P.S./District- Nawada, PIN- 805104.
8. Punam Kumari Wife of Rohit Ranjan Resident of Bishanpur, P.O.- Bermi, Panchayat- Loharpura, Anchal- Nawada Sadar, P.S./District- Nawada, PIN- 805104.

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Sidhendra Narayan Singh, Adv
For the Respondent/s : Mr.Lalit Kishore (AG)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 15-03-2021

Heard learned counsel for the parties.

This LPA under Clause 10 of Letters Patent Appeal has



been preferred for setting aside the judgment and order dated 14.02.2020 passed by learned Single Judge in CWJC No. 1262 of 2020, dismissing the writ petition.

Briefly stated, the facts of the case is that pursuant to Advt. No. 01 of 2015 for appointment on the post of Anganbari Sevika at Anganbari Centre, Bishanpur, EBC category under Gram Panchayat Loharpura, Ward No. 3, Anchal Nawada Sadar, 5 candidates applied who are respectively (i) Poonam Kumari, (ii) Anupam Kumari, (iii) Seema Kumari, (iv) Kiran Kumari (v) Prabha Kumari.

Earlier, Prabha Kumari was selected on the post of Anganbari Sevika in the year 2012, however, her appointment was cancelled by the DPO, on 10.07.2013 on the ground of procuring appointment on the basis of fake marksheet against which DPO, also directed institution of FIR against Prabha Kumari. However, again on 05.10.2016, Prabha Kumari was appointed who was at the bottom of the merit list ignoring the claim of others on the ground that Poonam Kumari husband is in job, Anupam Kumari and Seema Kumari are not resident of ward and Kiran Kumari was absent in Aam Sabha, as such Prabha Kumari was only eligible candidate for appointment and accordingly, she was appointed on 05.10.2016.



Against appointment of Prabha Kumari complaint was made by Anupam Kumari, Kiran Kumari and Punam Kumari and DPO, vide order dated 10.07.2017 passed in Case No. 42(Misc)(Selection) of 2016 cancelled the selection of Prabha Kumari and directed the CDPO, for fresh selection in Aam Sabha in accordance with law.

Against the order passed by the DPO, Prabha Kumari filed an appeal before the District Magistrate, Nawada, being Case No. 397(M) of 2017, which was dismissed by order dated 30.07.2019, but District Magistrate, Nawada, further directed to hold fresh selection as panel prepared is valid for only one year.

Appellant-Prabha Kumari stated that out of five candidates whose names were considered for appointment on the post of Anganbari Sevika, Punam Kumari was at serial no. 1 of the merit list but as her husband was a constable in Bihar Police and his monthly income was more than Rs. 12,000/- she was not found eligible by the Aam Sabha for appointment on the post of Anganbari Sevika, Similarly Anupam Kumari and Seema Kumari are sisters as well as Sister in Law and reside permanently in Village Bahadarpur, P.S Rajauli and as such were not the resident of the Anganbari Centre, and Aam Sabha did not found them to be eligible for the reason that their name



was included in the voter list of Village-Bahadurpur and in ration card and Aadhar Card they have been shown to be resident of Bahadurpur and they reside permanently in Village-Bahadurpur, Rajauli and Mukhiya of Village Bahadurpur has also certified it and in the Aam Sabha held on 29.08.2016 their candidature was considered and rejected, however, due to some dispute no decision was taken and the meeting of Aam Sabha was deferred to 05.10.2016 in which Kiran Kumari was not present and accordingly, Prabha Kumari was found to be the only eligible candidate and selected. Kiran Kumari also filed her reply and alleged that on 05.10.2016 only 29 persons were present in the Aam Sabha and by connivance of ward member and Mahila Supervisor and by obtaining fictitious signature and thumb impression Aam Sabha was said to be held but as a matter of fact no meeting was held on 05.10.2016, as such, the contention of Prabha Kumari that she was not present is false.

The District Magistrate, by order dated dismissed the appeal filed by Prabha Kumari and upheld the order passed by the DPO by which the selection of Prabha Kumari was cancelled, however, it was observed that since the validity of the panel is of one year as such no further appointment can be made from the said panel and directed DPO to initiate fresh selection



process for appointment at Anganbari Centre and since the previous Aam Sabha was marred by irregularities and favouritism and nepotism the Aam Sabha will be supervised by the SDO, Nawada, Sadar against which Anupam Kumari has filed the present writ petition to set aside the order of District Magistrate, Nawada, by which fresh selection was directed and for a direction to hold Aam Sabha for appointment in terms of Advt. No. 1 of 2015, which was dismissed by the learned Single Judge against which this LPA has been preferred.

From the records, it appears that the District Magistrate, has directed to hold fresh selection process only on the ground that life of the panel is of one year and same has lapsed but also on the ground that previous selection process were held in a clandestine and irregular manner, as such, fresh selection has to be held by Aam Sabha under supervision of SDO, Nawada Sadar, and learned Single Judge has also found that in fresh selection process Appellant has also applied and dismissed the writ petition. Even in previous selection Appellant is at serial no. 2 whereas Poonam Kumari is at serial no. 1.

After hearing the parties and considering the materials available on record, this Court does not find any infirmity or error in the order passed by the learned Single Judge requiring



any interference by this Court.

Accordingly, the LPA is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.04.2021
Transmission Date	NA

