

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8456 of 2020

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Arti Kumari Wife of Nagmani Prasad Resident of Village- Tikar, Gohchak- 2,
Post Office- Teusa, Police Station- Atri, District- Gaya.

... .. Petitioner

Versus

1. The State of Bihar through Director, I.C.D.S. (Integrated Child Development Scheme), Bihar, Patna.
2. The Director, Department of Welfare, Patna Division, Government of Bihar, Patna.
3. The District Magistrate, Gaya.
4. The District Programme Officer, Gaya.
5. The Child Development Programme Officer, Atri, Gaya.
6. The Lady Supervisor, Atri, Gaya.
7. Smt. Rumi Khatoon Wife of Ekram Ansari, Resident of Village- Tikar, Gohchak- 2, Post Office- Teusa, Police Station- Atri, District- Gaya.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Jogendra Prasad, Advocate
For the Respondent/s : Mr. Gyan Prakash Ojha GA-7

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 08-02-2021

Heard learned counsel for the petitioner and learned
counsel for the Respondent-State.

The petitioner was an applicant for selection as
'*Anganwadi Sevika*' to the centre in-question, namely,
Gohchak-2 at Ward No 15 bearing Centre No 83. Being a



member of the Backward Class category, she asserts that selection ought to have been done from a candidate belonging to the backward Class category as that was the predominant class of the area. The issue was examined by the District Programme Officer, Gaya (for short 'DPO'), and after obtaining report from the lady Supervisor and the Invigilator, the DPO has taken note of the facts that altogether the area comprised of 294 members of an extremely backward class category as against 170 from backward class category. He has further held that there were 148 Scheduled Castes category members and 100 general members of the area finding the extremely backward class category to be the predominant category he has directed for issuance of advertisement afresh for initiating a process for selecting a member from the backward class category. The petitioner had earlier applied as a backward class category candidate and was aggrieved by the order of the DPO inasmuch as she was earlier selected for being given the responsibility of '*Anganwadi Sevika*' for the centre in-question, considering the same to be predominantly comprising of backward class category members. She, accordingly, challenge the order of the DPO before the



District Magistrate (for short 'DM') Gaya. Relying on the aforesaid facts brought on record, during the enquiry before the DPO, the DM has concurred with the findings of the DPO and rejected the petitioner's appeal.

The learned counsel for the petitioner has strenuously urged that Annexure-7 is a communication dated 18.01.2019, wherein, the number of backward class category candidates for the area in-question was communicated as being 609, that is higher than any other category of beneficiaries in the area concerned. The issue, therefore, is one of a dispute in respect of the mapping done in respect of the '*Anganwadi*' centre in-question. Based on the facts available on record, the DPO and DM have both found the centre to be predominantly comprising of extremely backward class beneficiaries.

If the petitioner is aggrieved by such finding of the two Authorities and wishes to raise a factual dispute regarding the number of beneficiaries under the various categories, it is for her to raise this issue before the appropriate Authority. For such factual dispute, this Court is not inclined to exercise its jurisdiction under Article 226 of the Constitution of India. The



petitioner would be at liberty to seek a fresh mapping for the centre in-question or dispute the current mapping, based on which, the process of selection was directed to be initiated under orders of the DPO dated 30.01.2019 before the appropriate Authority i.e.,The Child Development Programme Officer, Atri, Gaya (Respondent No.5)

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
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