

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.608 of 2019

In

Civil Writ Jurisdiction Case No.5350 of 2014

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Lalita Kumari Wife of Rajnikant Verma Resident of Village - Ganauri Tilha,
Block - Guraru, P.O.-Pahra, P.S.-Paraiya, District – Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Commissioner Magadh Pramandal, Gaya
3. The Collector Gaya
4. The Deputy Director Welfare, Magadh Pramandal, Gaya
5. The District Programme Officer Gaya
6. The Child Development Project Officer Guraru, District-Gaya
7. Sangeeta Kumari Wife of Balindra Kumar Resident of Village - Swami
Bigha, Block - Guraru, P.O.-Pahra, P.S.-Paraiya, District - Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Arvind Kumar Singh, Adv
For the Respondent/s : Mr.Gyan Prakash Ojha (GA7)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 19-02-2021

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
29.04.2019 passed in CWJC No. 5350 of 2014.



Briefly stated, the facts of the case is that writ petitioner Sangeeta Kumari was selected to the post of Anganbari Sevika on 06.05.2007 at Anganbari Centre, Ganauri Tilha, which consist of population of 929 of village-Ganauri Tilha and population of 108 of Village-Swami Bigha. Sangeeta Kumari belongs to village Swami Bigha.

Against selection of Sangeeta Kumari as Anganbari Sevika, Lalita Kumari filed a complaint before D.P.O, Gaya on the ground that no proper Mapping was done under the supervision of CDPO, Gaya, as required under the guidelines issued by the concerned department and population of 108 of village-Swami Bigha was wrongly included in the Anganbari Centre. The D.P.O Gaya by order dated 12.12.2008 held that as per departmental guidelines 2783 dated 03.10.2006 proper Mapping was done and for completing the population of one thousand, population of 108 of Swami Bigha was rightly included in village-Ganauri as village-Ganauri had population of 929 and Anganbari Centre is to be formed on population of one thousand, against which Lalita Kumari filed CWJC NO. 778 of 2008, and this Hon'ble Court vide order dated 18.03.2011 disposed of writ petition with liberty to Lalita Kumari to avail the remedy of appeal and thereafter she filed an



appeal before the Collector, Gaya, which was registered as Case No. 52 of 2011 and after hearing the parties, District Magistrate, Gaya, by order dated 01.09.2012 was pleased to cancel the selection of Sangeeta Kumari and directed CDPO, Gaya, for fresh Mapping as per departmental guidelines of 2011. The District Magistrate, Gaya, on examining the records and Mapping register found that Mapping for the Anganbari Centre was not done as per guidelines and same was neither supervised by the Anganbari Supervisor nor it had the signature of CDPO. Two Mapping registers were prepared by the Mukhiya having same date in which one was with respect to Village-Ganauri Tilha and the other was with respect to both villages. The District Magistrate, has further held that the meeting ought to have been conveyed in the village where Anganbari Centre has to function but same was held at a different place and accordingly, found the appointment of Sangeeta Kumari illegal based on wrong Mapping of the area and directed for initiation of fresh selection and fresh Mapping of the Centre.

Against the order passed by the District Magistrate, Gaya, Sangeeta Kumari preferred appeal which was heard by Deputy Director, Welfare, Magadh Division, Gaya, holding that population of Ganauri Tilha is sufficient for selection of



Anganbari Sevika and as such adding population of 108 of village Swami Bigha was not proper and selection be completed as per Mapping of year-2007 of village-Ganauri Tilha.

As Lalita Kumari did not file any appeal against the order dated 01.09.2012 of District Magistrate, Gaya and she accepted the order passed by the District Magistrate, Gaya and Sangeeta Kumari had filed appeal against the order dated 01.09.2012 of District Magistrate, Gaya, as such, there was no occasion for the Deputy Director, Welfare, Magadh Division, Gaya, to pass an order dated 24.08.2013 for appointment on the basis of 2007 Mapping Register on the basis of which of Lalita Kumari was appointed.

As the District Magistrate, Gaya, has clearly held after examining the records of the case that Mapping has not been done as per guidelines issued by the concerned department and has directed for fresh Mapping for creation of Anganbari Centre as per guidelines of 2011 and the learned Single Judge has also upheld the order dated 01.09.2012 of District Magistrate, Gaya, and set aside the order dated 24.08.2013 passed by Deputy Director, Welfare, Magadh Division, Gaya, this Court does not find any infirmity or error in the order passed by the learned Single Judge requiring any interference by this Court, and,



accordingly, this Letters Patent Appeal is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.04.2021
Transmission Date	NA

