

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.643 of 2019

In

Civil Writ Jurisdiction Case No.6280 of 2019

Rimjhim Kumari W/o Sri Gopal Prasad Sinha Resident of Village-Ujaini,
P.O.-Kala Pahar Tendua, P.S.-Tandwa and District - Aurangabad

... .. Appellant/s/ Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Govt. of Bihar, Patna
2. The District Magistrate Aurangabad
3. The District Programme Officer Aurangabad
4. The Child Development Project Officer Block- Nabinagar, Aurangabad
5. Sarita Devi W/o Dhiraj Kumar Sinha Resident of Mohalla- Sri Krishna Nagar Ahri, Ward No. 8, Aurangabad, P.S. and Distt.- Aurangabad

... Respondents ... Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anirudh Kumar Verma, Advocate
For the Respondent/s	:	Mr. Gyan Prakash Ojha (Ga7)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 01-03-2021

Heard the parties.

Aggrieved by the judgment and order dated 30.04.2019 passed in C.W.J.C. No.6280 of 2019 passed by learned Single Judge of this Hon'ble Court dismissing the writ petition, the appellant has preferred this LPA.



Briefly stated the facts of the case is that appellant was appointed on 18.3.2016 as Aanganbari Sevika at Aanganbari Centre, Ujainy, Code No. 255 under the Panchayat Ram Nagar, Block Navinagar, Aurangabad and same was challenged by Sarita Devi by filing an complaint dated 25.2.2016 before District Programme Officer, Aurangabad giving rise to Aanganbari Sevika Case No.5 of 2016 and the District Programme Officer by his order dated 12.12.2016 removed Rimjhim Kumari from the post of Anganwari Sevika on the ground that she is not the resident of the area within Anganwari Centre, against which, appellant preferred appeal before the District Magistrate being Aanganbari Appeal No.6/2017 but same was dismissed by the appellate authority by his order dated 2.1.2019.

The original authority, i.e., District Programme Officer after considering the several documentary evidence in support of allegation that selected candidates does not reside within the area of Aanganbari centre and has been found to be residing in ward no.8 , Nagar Parishad, Aurangabad, as such, she was not eligible to be appointed being not the resident of locality within area of Aanganbari centre and passed order of removal of selected candidate Rimjhim Kumari and at the same time also



found the complainant Sarita Kumari not be eligible for appointment to the post of Aanganbari Sevika and found whole selection process to be faulty and directed CDPO for fresh selection.

Against the order passed by DPO, Aurangabad, Rimjim Kumari preferred appeal before the District Magistrate, Aurangabad who also rejected the appeal and affirmed the order passed by the District Programme Officer.

It is submitted on behalf of appellant that as per the guidelines issued by the government with respect to determination of residence of applicant, the residential certificate issued by the competent authority is final in view of clause 4.5 of 2011 Guidelines, however, same does not bar the competent authority to look into other reliable documentary evidence in order to determine the residential eligibility of a candidate, where she ordinarily resides/lives.

It has been submitted by the counsel for the State that pursuant to the order passed by the District Magistrate, Aurangabad, fresh selection process was initiated and Priti Kumari has been selected by Selection Committee on 19.12.2020.

In such view of the matter, no interference is required



in the order passed by learned Single Judge. Accordingly, LPA is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.04.2021
Transmission Date	NA

