

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13132 of 2018

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Nirbhay Kumari Wife of Ranjay Paswan, resident of village - Phulkahan,
Block Dumari Katasari, P.S. Shyampur Bhatahan, District- Sheohar.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary Deptt. Of Welfare Govt. of Bihar, Patna
2. The Director, Integrated Child Development Scheme I.C.D.S. Directorate, Bihar, Patna.
3. The District Magistrate, Sheohar Distt- Sheohar.
4. The District Programme Officer, welfare Sheohar Distt- Sheohar.
5. The Child Development Programme Officer, Dumari Katsarai, Distt- Sheohar.
6. Nuraisha Khatoon wife of Manaullah Ansari, resident of village- Phulakahan, Block Dumari Katasari,P.S. Distt. Sheohar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sri Krishna Ranjan
For the Respondent/s	:	Mr. Rajesh Kumar, AC to GP-3
		Mr. Sanjeev Kumar Mishra, Adv
		Mrs. Manini Jaiswal, Adv

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 17-10-2022 Heard learned counsel for the petitioner as well as
learned State counsel and learned counsel for respondent No. 6.

2. The petitioner's selection as Anganbari Sewika for
Centre No. 87 has been cancelled under order dated 25.04.2017
by the District Programme Officer, Sheohar in Misc. Case No.
14/2015.

3. The petitioner has thereafter preferred an appeal
before the District Magistrate, which also has been rejected
under order dated 31.03.2018.



4. The petitioner's counsel has made two fold submissions while assailing the two orders. He has submitted that in view of Clause 4.6 of the Guidelines for Selection of Anganwari Sevika/Sahayika, 2011 (for short '2011 Guidelines'), there being no candidate possessing the minimum requisite educational qualification, the petitioner was entitled to be selected by virtue of being a resident of the adjoining *poshak Kshetra*. It is also submitted that the authorities have relied upon disqualification of the petitioner in terms of Clause 4.9 of the 2011 Guidelines on account of her father being in government employment as Block Panchayat Raj Officer which is also unsustainable in as much as her father was transferred to the district wherein the selection has been made in February, 2014, whereas the advertisement is of much prior date thereto.

5. For considering the submissions, it would be appropriate to take note of the relevant clause under which the dispute arises, namely, Clause 4.9 of the 2011 Guidelines, which reads as follows:

"4.9 संबंधित पंचायत/प्रखंड/अंचल/अनुमंडल एवं जिला में पदस्थापित सरकारी (केन्द्र सरकार एवं राज्य सरकार)/अर्द्धसरकारी पुरुष कर्मचारी/पदाधिकारी की पत्नी/बहू/अन्य रिश्तेदार का चयन सेविका पद पर नहीं किया जायेगा ।
[रिश्तेदार से अर्थ है- माँ (सौतेला/दत्तक पुत्र एवं पुत्री) भाभी (अर्थात् बड़े एवं छोटे भाई की पत्नी, पुत्री, बहन) । तथा इसके साथ सरकारी (केन्द्र सरकार एवं राज्य



सरकार)/अर्द्धसरकारी महिला कर्मचारी/पदाधिकारी के मामले में उनके पति के सहोदर भाई की पत्नी, बहु, पुत्री और ननद] सेविका/सहायिका के पद पर चयन हेतु अयोग्य होगी।

संविदा अथवा मानदेय आधारित कर्मचारी या पदाधिकारी जिनकी मासिक आय रु० 6000/- (छः हजार रुपये) या उससे कम है, उनके ऊपर यह कंडिका लागू नहीं होती है।"

6. Bare perusal of the Clause 4.9 shows that the bar is on "चयन" (selection), in case enumerated relative of the candidate is working in the Panchayat/Block/Circle/Sub-divisional and District.

7. Since the petitioner's father was transferred in the district in February, 2017, prior to selection, the petitioner had suffered a disqualification for selection by virtue of Clause 4.9 of 2011 Guidelines and was therefore ineligible for being selected at the Aam Sabha on 16.12.2014. The orders passed by the District Programme Officer dated 25.04.2017 as well as the District Magistrate dated 31.03.2018, therefore, require no interference.

8. The writ petition is dismissed.

(Madhuresh Prasad, J)

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