

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.807 of 2020

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Aishwarya Devi @ Aishwarya Ray Wife of Avinash Kumar, resident of village and Post- Bdupur Bazar, P.S.- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare department, Bihar, Patna
2. The Director, Department of Integrated Child Development, Bihar, Patna
3. The Secretary, Department of Integrated Child Development, Bihar, Patna
4. The District Magistrate, Vaishali
5. The Addl. Collector, Vaishali
6. The S.D.O., Vaishali
7. The District Program Officer, Department of Integrated Child Development, Vaishali
8. The District Welfare officer, Vaishali
9. The child development project officer, Bidupur, Vaishali
10. Sanju Devi, wife of Ashok Rai, resident of village- Bidupur, P.s.- Bidupur, District- Vaishali

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Yugal Kishore, Adv Ms. Rupa Kumari, Adv
For the Respondent/s	:	Md. Raisul Haque (SC-10) Md. Obaidullah, AC to SC-10

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 05-07-2022 Heard learned counsel for the petitioner and learned State counsel.

The Petitioner participated in the selection process for being selected as an Anganwari Sevika for Center No. 260 at Bidupur Paithan Tola, Bidupur, Vaishali.

The counsel for the petitioner submits that selection of respondent No. 10 is unsustainable. It is his submission that the



house of respondent No. 10 was situated outside the area for which the centre was established. The area for which the Anganwari Centre has been established, comprised only 133 houses. Three houses have been added during preparation of mapping, therefore, giving undue advantage to respondent no. 10 who was residing on the other side of the cobbled pathway near the house of Khan Shahab. It is submitted that being awarded 75 per cent marks, the petitioner is entitled to be selected holding the candidature of respondent no. 10 to be invalid as being a resident of outside the area for which the centre has been established.

The State Counsel points out from the report of the District Programme Officer, dated 13.05.2011 (Annexure-4 to the writ petition) and the District Magistrate's order dated 27.09.2013, that the District Programme officer had reported the respondent no. 10 to be a resident of outside the area. The said finding has been disbelieved by the District Magistrate by assigning the following reasons:

“(4. पूर्व जिला प्रोग्राम पदाधिकारी के प्रतिवेदन में यह उल्लेख नहीं है कि मैपिंग पंजी के क्रमांक 134 से 137 तक जिन 4 घरों को बाद में आँगनवाड़ी केन्द्र संख्या - 260 के मैपिंग पंजी में सम्मिलित किया गया है उन घरों को केन्द्र संख्या 200 के बदले किस केन्द्र में सम्मिलित किया जाता



(5) चयनित सेविका संजू देवी को केन्द्र संख्या 260 के पोषक क्षेत्र में रखना उचित होगा या नहीं इसका निपटारा आम सभा में ही किया जाना चाहिए था, जैसा कि नहीं किया | गया है। बल्कि आम सभा के कार्यवाही पंजी में यह स्पष्ट उल्लेख है कि मैपिंग पंजी की जानकारी आम सभा में दिया गया | यहाँ यह भी उल्लेखित है इस विवाद में निपटारा के लिए आम सभा सबसे उपयुक्त स्थल था ।"

In so far as the petitioner's claim based on being awarded 75 per cent, it is submitted that the said claim is unsustainable based on the mark-sheet which the petitioner claims to have submitted (Annexure-1). The mark-sheet of the petitioner's matriculation examination reveals that she has passed in the second division. If the said certificate which is being claimed by the petitioner is to be accepted as the certificate which she had produced in the Anganvari Sevika examination, the marks 75 per cent cannot be sustained as such high percentage could not have been awarded based on second division matriculation mark-sheet.

The petitioner's counsel has not challenged the findings in Annexure-4.

In view of the variance in the percentage awarded during process of selection, and the mark-sheet, the allegation which has been found to be correct by the District Magistrate regarding



petitioner having produced two certificates, does not require any interference.

This Court is in agreement with the submissions advanced by the counsel for the State. Petitioner's claim is clearly unsustainable in view of the findings of the District magistrate which requires no interference.

Writ application is dismissed.

(Madhuresh Prasad, J)

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