

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18775 of 2014

Sarita Devi, Wife of Dinesh Paswan, Resident of Village Lalganj Tola, P.O. Khairha, District- Rohtas, Sasaram

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Social Welfare Department, Government of Bihar, Old Secretariat, Patna
2. The Secretary, Patna Division, Patna
3. The Deputy Director, Welfare, Patna Division, Patna
4. The Deputy Collector, Legal, Rohtas, Sasaram
5. The District Programming Officer, Rohtas
6. Child Development Programming Officer, Dehri, Gramin, Rohtas
7. Mukhiya, Lalganj Tola, Mathuri Panchayat, Dehri, Rohtas
8. Panchayat Secretary, Lalganj Tola, Ward No. 7, Dehri, Mathuri Panchayat, Gramin, Rohtas

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Uma Shankar Verma, Advocate
For the State	:	Ms. Anuradha Singh, SC 21

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)

Date : 05-12-2022

Heard Mr. Uma Shankar Verma, learned counsel for the petitioner and Ms. Anuradha Singh, learned SC 21 for the State.

2. The petitioner has moved this Court for the following reliefs:

“(i) To issue a writ in the nature of certiorari to quash and cancel the order dated 20.06.2014 (Annex-7 hereof) passed in Aanganbari Appeal No. 16/2012 passed by learned Deputy Director, Welfare, Patna Division, Patna whereby and where under appeal arose from representation of petitioner for felicitating her joining on the post of Aanganbari Sevika at Mohalla / Tola Panchayat - Lalganj, Centre No. 111, Mathuri, Dehri (Rural), Rohtas has been dismissed.



(ii) To issue a writ in the nature of mandamus to direct the respondents to felicitate the joining of petitioner on the post of Aanganbari Sevika on the aforesaid Aanganbari Centre in view of the decision of Aanganbari (Selection Committee) held on 05.03.2010 the proceeding there of is Annexure-1 of this application.

(iii) To issue an appropriate writ to hold and declare that the selection of the petitioner on the post of Aanganbari Sevika on the aforesaid centre through the proper proceeding of Aam Sabha, in presence of all members of selection committee, held on 05.03.2010, is legal and valid. As such selection of petitioner is well sustainable and viable in the eye of law.

(iv) To grant any other reliefs for which petitioner is entitled to have in connection with aforesaid reliefs.”

3. The simple point for consideration before the Court is whether the resolution by which the petitioner was selected as an Aanganbadi Sevika is proper and legal.

4. Learned counsel for the petitioner submitted that though the requirement is that the Mukhiya would head the meeting but in his absence the Upmukhiya can also do the same and in the videography of the meeting, both the Mukhiya and Upmukhiya were present but if they have not signed, the petitioner cannot be visited with the penal consequences due to inaction on the part of the Mukhiya and Upmukhiya.

5. Learned counsel for the State submits that the Mukhiya and Upmukhiya being present in the meeting and not



signing clearly shows that there was no such resolution and the entire recommendation of the Committee is a farce.

6. Having considered the rival contention, the Court is in agreement with the submissions of learned State Counsel.

7. Without going into the factual aspects, the admitted position remains that neither the Mukhiya nor the Upmukhiya who were admittedly present on the date of the meeting have signed the meeting under which the petitioner was appointed. Thus, there cannot be any question of sustaining such appointment and rightly the petitioner has been disengaged.

8. For reasons aforesaid, the Court does not find any merit in the writ petition and accordingly, the same stands dismissed.

9. However, the dismissal of the present writ petition shall not prejudice the petitioner if and when she takes part in any process for appointment which shall be considered on its own merit, in accordance with law.

(Ahsanuddin Amanullah, J)

(Harish Kumar, J)

Anjani/-

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