

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8632 of 2021

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Yasmin Kaushar, Wife of Mohammad Aahsan, Daughter of Abdul Wadood,
Resident of Babhangama, P.S.- Hathouri, District- Samastipur, At Present
reside at Village - Parsuram, P.S. - Hathori, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The District Collector, Samastipur.
3. The District Programme Officer, Samastipur.
4. The Children Development Programme Officer (C.D.P.O.), Shivajinagar, Samastipur.
5. The Block Development Officer, Shivajinagar, Samastipur.
6. The Panchayat Secretary Gram Panchayat Raj Bandhar, Shivajinagar, Samastipur.
7. The Lady Supervisor Member of Selection Committee, Shivajinagar, Samastipur.
8. The Chief Secretary, Social Welfare Department, Bihar Sarkar, Patna.
9. Gulshan Khatoon, Wife of Md. Dilbar, Resident of Village - Parsuram, P.S. - Hathori, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Md. Mushtaque Alam, Advocate Mr. Fakhruddin Ali Ahmad, Advocate
For the State	:	Mr.Md. Raisul Haque, S.C.-10

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 01-09-2022 The order of the District Magistrate, Samastipur dated 08.02.2020 in Anganwari Appeal Case No.146 of 2019, affirming the order of the District Programme Officer, ICDS, Samastipur dated 29.01.2019 has been assailed. The order of the District Programme Officer, ICDS, Samastipur dated 29.01.2019 has also been assailed.



It is the petitioner's case that she was the second empanelled candidate at the Aam Sabha proceedings conducted for selection of Anganwari Sevika for Centre No.184, Ward No.6 of Shivaji Nagar Block in the district of Samastipur. The first empanelled candidate was found to be having the requisite educational qualification from an institution which was not recognized and she was not offered the selection in question. Since the petitioner was second in merit, the selection of the third empanelled candidate ignoring the petitioner's merit on a baseless and flimsy ground that her mother-in-law was Ward Member-cum-Chairman of the Aam Sabha, and that the petitioner has suffered a disqualification under Clause 6 of 2016 Guidelines, under which the selection has been made, is unsustainable.

It is submitted by the petitioner's counsel that the petitioner's mother-in-law had already resigned much before the Aam Sabha dated 19.06.2018, wherein the petitioner was declared to be the second empanelled candidate. Therefore, disqualification based on her mother-in-law being a Ward Member was untenable and on that basis, the petitioner could not have been excluded.

State Counsel, on the other hand, submits that the fact



that the petitioner's mother-in-law was a Ward Member-cum-Chairman of the Selection Committee is evident from proceedings of the Aam Sabha dated 19.06.2018 (Annexure B to the counter affidavit). The petitioner's mother-in-law has signed the proceedings of the Aam Sabha dated 19.06.2018 as Ward Member-cum-Chairman of the Selection Committee. This aspect of the matter has been considered by the Collector in his order while affirming the decision of the District Programme Officer.

Considering the rival submissions, this Court would observe that the only disqualification relied upon by the authorities to ignore the petitioner, who was at serial no.2, and select the third empanelled candidate is the fact that her mother-in-law was the Ward Member-cum-Chairman of the Selection Committee. The finding of the Collector is corroborated from bare perusal of the proceedings of the Aam Sabha dated 19.06.2018 (Annexure B to the counter affidavit), wherein the petitioner's mother-in-law has signed as Ward Member-cum-Chairman of the Selection Committee.

In view of the factual position emanating from the records, this Court does not find any infirmity in the consideration and conclusion of the District Magistrate,



affirming the order of the District Programme Officer.

Writ petition is devoid of merit, and dismissed.

(Madhuresh Prasad, J)

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