

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18156 of 2014

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Smt. Anita Sinha Wife of Shri Dharendra Prasad Resident of Village Prasad Bigha, Post Bhaikh, P.S. Makhdumpur, District Jehanabad, PIN 804427, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar represented through the Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Director, Integrated Child Development Project Scheme, Patna.
3. The District Magistrate, Jehanabad.
4. The District Programme Officer, Jehanabad.
5. The Child Development Project Officer, Makhdumpur, Jehanabad.
6. Smt. Manisha Kumari Wife of Shri Ashok Kumar Resident of Village Prasad Bigha, Post Bhaikh, P.S. Makhdumpur, District Jehanabad, PIN 804427, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prince Kr. Mishra, Advocate
For the Respondent/s	:	Mr.N.P. Yadav, SC-23
	:	Mr. Vijaya Laxmi Srivastava, AC to SC-23

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 05-12-2022 The present writ petition has been filed seeking the following reliefs:-

(i) To issue a writ of certiorari and quash and set aside Annexure-4 i.e. the order dated 26.09.2014 passed in Anganwari Appeal No. 36-K/2014-Anita Sinha Vs. Pratibha Kumari and others by the Appellate Authority – Deputy Director, Welfare, Magadh Division, Gaya whereby and whereunder the order under challenge dated 26.10.2013 passed in Case No. 06/2013 (Annexure-3) by the District Programme Officer, Jehanabad – Original Authority



was not interfered with which got merged in the same and is also under assail;

(ii) To issue a writ of mandamus and direct for appointment of this petitioner as a consequence of grant of relief (i) with consequential benefits after cancelling the appointment of the private respondent no.6.”

At the outset, the learned counsel for the respondent-State has referred to the counter affidavit, filed in the present case, paragraphs no. 8, 10, 11 and 14, whereof being relevant are reproduced herein below:-

“8. That the statement made in para no. 6 of writ application is replied to this extent that Manisha Kumari respondent no. 6 was selected on the post of Anganwari Sevika of Anganwari Centre no. 253 under the guidelines and provisions of Margdarshika of 2011 of I.C.D.S., Bihar, Patna. It is pertinent to mention here that in the Aam Sabha of the village after considering the objection of the petitioner, Smt. Manisha Kumari was selected on the said post and selection letter was issued to her.

10. That the statement made in para no.8 of writ application is replied to this extent that the petitioner was not selected on the post as her Gotani was a teacher in government middle school in village- Bhaikh. It is pertinent



to say that though in Margdarshika 2011 Gotani word is not mentioned but Bhoujai of Government/semi government servant was barred for appointment as Anganwari Sevika/Sahayika. In this context "Gotani" was interpreted as "Bhoujai" by Aam Sabha because in local language Gotani word is used for wife of husband's brother later on by issuing a revised Margdarshika vide ICDS letter No. 6989 dated 19.12.2013. It was clarified in its para 2 that in case of female government/semi Government employee, the wife of husband's brother will not be eligible to be appointment as Anganwari Sevika and Sahayika. The said Margdarshika 2011 and the revised Margdarshika dated 19.12.2013 are attached herewith as Annexure-B and C.

11. That the statement made in para 9 of writ application is replied to this extent that Manisha Kumari was found suitable among all the candidates from all respect and so she was selected on the post. It is not a fact that Manisha Kumari was appointed illegally as claimed by the petitioner. The rest portion of statement made in this para is not denied.

14. That statement made in para no.12 of writ application is replied to this extent that the respondent D.P.P. after considering all the things including the provisions of Margdarshika of 2011, has legally rejected the



claim of the petitioner.”

Having regard to the aforesaid stand taken by the respondents in their counter affidavit, filed in the present case, this Court finds that the present writ petition is not only devoid of any merit but has also been rendered infructuous, on account of efflux of time.

Accordingly, the same stands disposed off.

(Mohit Kumar Shah, J)

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