

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2621 of 2021

=====

Dilruba Parween, aged about 25 years, female, W/o Md. Zakir Hussain
Resident of village- ward no. 12, Kharya, P.O.- Bochgaon, P.S.- Jalalgar,
District- Purnia

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare, Bihar, Patna
2. The Director, Integrated Child Development Service (ICDS), Bihar, Patna
3. The District Magistrate, Purnia, District- Purnia
4. The District Programme Officer, Purnia, District- Purnia
5. The Child Development Project Officer (CDPO) Kasba, P.S.- Kasba, District- Purnia
6. Bibi Sauda Khatoon, aged about 30 years, Female, W/o Md. Arif, Resident of village- Ward no. 12, Kharaya, P.O.- Bochgaon, P.S.- Jalalgar, District- Purnia

... .. Respondents

=====

Appearance :

For the Petitioner	:	Md. Ziaul Quamar, Adv.
For the State	:	Mr. Raisul Haque SC-10 with Mr. Obaidullah AC to SC-10
For the Respondent No.6:	:	Mr. Sanjay Sinha, with Mr. Fazle Karim, Advts.

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 21-06-2022

Heard learned counsel for the petitioner, learned counsel
for the State-respondent and learned counsel for the Respondent
No.6.

2. The writ application has been filed challenging the
order passed by the District Programme Office, Purnia dated
26-12-2017 by which the petitioner's appointment as
'Anganwadi Sevika' in Gram Panchayat Bochgaon, Ward No.
12, Kharaya Center, in the District of Purnia has been cancelled.



The petitioner has also assailed the order dated 22-06-2020 whereby the petitioner's service appeal was rejected.

3. The petitioner's selection as '*Anganwadi Sahayika*' has been cancelled on the ground that petitioner had earlier been selected as '*Sevika*' in the year 2012, claiming her date of birth to be 05-02-1993 whereas in the current selection process, for selection as '*Sevika*' she has claimed her date of birth as 10-08-1996. Since the two different date of birth has been claimed by the petitioner in the two different selection process, the petitioner's selection has been cancelled.

4. The petitioner's counsel submits that the Respondent No.6, who has been selected in place of the petitioner, also claimed two different date of birth in two different *Fokaniya* examinations. Accordingly, the petitioner has assailed selection of the Respondent No.6 in her place. The petitioner, however, has not denied or disputed the fact that petitioner has claimed two different date of birth, being 05-02-1993 in *Vastaniya* mark-sheet and based on *Vastaniya* examination. She, however, has claimed her date of birth to be 10-08-1996 in the present selection process. The allegation that the petitioner claimed two different date of birth in two selection process, therefore, is not denied or disputed by the petitioner. In view thereof, no case is



made out by the petitioner for interfering with the conclusion of the authorities that the petitioner would be disqualified from the process of selection being based on unreliable date of birth.

5. The petitioner being disqualified, the Court would observe that she cannot be considered to be having any claim for selection in the process leading to selection of Respondent No 6, and as such, would have no *locus* to assail the selection of Respondent No.6 as she cannot come within the category of an aggrieved person.

6. The law is clear that only an aggrieved person would have the *locus* to assail the legality of the selection. Having said so, this Court would take note of the fact that the Court has made a specific query from the petitioner's counsel whether any complaint has been lodged by the petitioner against the Respondent No.6. The pleadings in the writ petition and the documents annexed therewith do not disclose that any complaint has been lodged against Respondent No.6 alleging that she has two different date of births.

7. In view thereof, there is no reason to interfere with the impugned order(s) dated 26-12-2017, passed by the District Programme Officer, Purnia (Annexure-1) as well as the order dated 22-06-2020 passed by the learned Collector Purnia, as



contained in Annexure-2 to the writ petition.

8. The writ application is dismissed.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	04-07-2022
Transmission Date	

