

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.546 of 2018

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Sita Devi Wife of Shri Binay Kumar Bharti, Resident of Village P.O.- Situhar,
P.S.- Supaul, District- Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Integrated Child Development Scheme I.C.D.S., Bihar, Patna.
3. The Commissioner, Koshi Division, Saharsa.
4. The District Officer-cum-District Magistrate, District Collector, Supaul.
5. The District Programme Officer I.C.D.S., Supaul.
6. The Child Development Project Officer C.D.P.O., Block District- Supaul.
7. Kiran Devi, Wife of Shri Sunil Kumar Yadav, Resident of Village P.O.-
Telwa Situhar, P.Block District- Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amrit Abhijat
For the Respondent/s	:	Md. Raishul Haque -Sc10
		Md. Obaidullah, AC to SC-10
		Mr. Avanindra Kumar Jha, Adv

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 30-08-2022 The present writ petition arises out of a dispute between the petitioner and the respondent no. 7, who were applicants for being selected as Anganwari Sevika for Centre No. 50 situated in ward no. 9 in the district of Supaul.

The *Aam Sabha* for the selection in question was held on 13.07.2013. The instant petitioner was placed at serial no. 1 and respondent no. 7 at serial no. 3. The admitted position is that from the said merit panel, no selection was done; and fresh advertisement was issued.



Again *Aam Sabha* was held on 27.12.2013, wherein respondent no. 7 was placed at serial no. 1 and petitioner at serial no. 2. An issue arose regarding the identity of respondent no. 7 (first empanelled candidate) and was inquired into.

Petitioner's counsel submits that in view of the identity of respondent no. 7 being denied and disputed, the petitioner being a second empanelled candidate was issued the selection letter on 16.05.2015. It is therefore submitted that the order passed by the District Programme Officer dated 09.01.2016 on the complaint made by respondent no. 7, cancelling the selection process arising out of *Aam Sabha* dated 27.12.2013 is not sustainable. The order of the District Magistrate dated 07.08.2017, affirming the order of the District Programme Officer dated 27.12.2013, has also been assailed by way of the instant writ.

The petitioner's counsel submits that being the second empanelled candidate, petitioner was rightly issued the selection letter since the identity of the respondent no. 7 was not found to be authentic and requiring adjudication by a court of competent jurisdiction.

The learned counsels for the State as well as respondent no. 7, on the other hand, submit that the identity of



the petitioner also was not found to be authentic. The issue of petitioner's identity was also inquired into and a report submitted by the Sub-divisional Officer, Supaul which is dated 13.05.2016, in which gross irregularity was reported by the Sub-divisional Officer not only in respect of the petitioner's identity but also the manner in which she was unduly favoured in the process.

This Court would find that in view of the identity of petitioner as well as respondent no. 7 being disputed, both parties were allowed adequate opportunity to submit their claims before the District Programme Officer in Dispute Case No. 22/2015 as well as in the appellate proceedings bearing no. Anganbari Appeal Case No. 03/2016 before the District Magistrate, Supaul.

On consideration of all the facts put forward by both the parties and having considered the concurring reports, the conclusion of the Sub-divisional Officer as well as the District Magistrate, Supaul to direct for process of selection afresh, is correct.

This Court is also informed that pursuant to direction of the District Magistrate process of selection afresh has already been completed, which fact is not disputed by the petitioner's



counsel, though he has submitted that in view of the fresh selection being done after the present writ petition was filed, the result of the selection process would be subject to result of the instant writ petition.

In view of the discussion above, no case is made out by the petitioner for interference with the order dated 09.01.2016 passed in Dispute Case No. 22/2015 by the District Programme Officer, I.C.D.S., Supaul or the order dated 07.08.2017 passed in Anganbari Appeal Case No. 03/2016 by the District Magistrate, Supaul.

Writ petition is dismissed.

(Madhuresh Prasad, J)

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