

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21528 of 2019

Radha Rani Gupta, wife of Arbind Kumar Nirala, resident of village and P.O. Parshurampur, P.S. Parsauni, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
3. The Director, Integrated Child Development Services, Bihar, Patna.
4. The District Magistrate-cum-Collector, Sitamarhi, District- Sitamarhi.
5. The District Programme Officer (ICDS), Sitamarhi.
6. The Child Development Project Officer, Parsauni, District- Sitamarhi.
7. The Ward member- cum- Chairman, Selection Committee Ward No. 10, Panchayat - Parshurampur, Block- Parsauni, District- Sitamarhi.
8. The Ladies Supervisor- cum- Member Secretary, Selection Committee Ward No. 10 Panchayat- Parshurampur, Block- Parsauni, District- Sitamarhi.
9. Anamika Kumari, wife of Ishwar Chandra Sah, resident of village and P.O. Parshurampur, P.S. Parsauni, District- Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Arun Kumar, Advocate Mr. Pushpendra Kumar Singh, Advocate
For the State	:	Mr. Prashant Pratap, GP-2 Mr. Sanjay Kumar, AC to GP-2
For Respondent No. 9	:	Mr. Devendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 14-07-2022 Let counter affidavit (hard copy) be taken on record.

Heard learned counsel for the petitioner and learned
counsel for the respondents.

The petitioner has challenged the order of the District
Magistrate, whereby direction has been issued for carrying on
the process afresh for selection of Aanganwari Sevika at Centre
No.7, Parshurampur in the District of Sitamarhi.



Petitioner's counsel submits that without hearing the petitioner, the order has been passed. Since the petitioner was earlier selected, the order could not have been passed without hearing the petitioner.

The counsel for the State and private respondent point out that by Annexure-P3 dated 08.10.2010, the petitioner's selection had already been interfered with long back. The same was not assailed by the petitioner in any proceedings.

Petitioner's counsel, however, submits that one Nutan Devi, who was also affected by Annexure-P3, has assailed the same in C.W.J.C. No18448 of 2010 and this Court has interfered with the order dated 08.10.2010 issued by the District Programme Officer. The petitioner thereafter came to be selected as Sevika at the Aam Sabha dated 09.11.2016 pursuant to the order dated 04.07.2014 passed by the District Programme Officer. A panel was prepared and thereafter, selection letter dated 09.11.2016 was issued to the petitioner (Annexure P/7).

Having considered the rival submissions, this Court would find that advertisement was issued in the year 2009 for selection of Aanganwari Sevika/Sahayika. The petitioner's claim is that she was the first empanelled candidate in the merit list, which was prepared on 07.12.2009. There is nothing on



record to show that thereafter any advertisement was issued.

It would be relevant to take note of the fact that thereafter 2009, 2010, 2011 and 2016 guidelines had been framed. As on the date, on which the petitioner claims that Aam Sabha was convened (09.11.2016), the 2016 guidelines had already come into force.

There is no material to show that a selection process was conducted afresh in terms of 2016 guidelines. The so-called Aam Sabha dated 09.11.2016 (Annexure 6) is *ex facie* unreliable for two reasons; firstly, the petitioner has only enclosed one page containing the header of the so-called Aam Sabha, from which it is impossible to decipher as to how many persons have participated in the Aam Sabha or anything else. The veracity of the so-called Aam Sabha dated 09.11.2016 is not credible. Secondly, the so-called Aam Sabha dated 09.11.2016 is also unsustainable because of the fact that no fresh mapping has been undertaken, even though there is a lapse of about seven years, since preparation of last panel for selection on 07.12.2009. The petitioner's claimed selection is clearly without following any procedure and unsustainable in the eyes of law. Her selection as Aanganwari Sevika has come to an end on 08.10.2010, which she has never assailed.



As noticed above, thereafter the petitioner has never been selected as Aanganwari Sevika, in accordance with any procedure prescribed in any guideline. Her claimed selection on the basis of the panel prepared in the year 2009 or any subsequent panel, without advertisement or following any due procedure under any guideline is unsustainable.

The order of the District Magistrate dated 15.07.2019 passed in Aanganwari Appeal No.19 of 2018, in so far as it has held that the petitioner's selection to be contrary to the guidelines is concerned, requires no interference.

This Court would observe that it is only in the interest of the welfare scheme being disseminated by the Aanganwari Centre that the selection is done afresh in terms of the order of the District Magistrate dated 15.07.2019.

The writ application is devoid of merit and dismissed.

PNM/Shashank

(Madhuresh Prasad, J)

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