

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 202 of 2020

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Sarita Kumari Wife of Rakesh Kumar Resident of Village- Maharajganj, Ward No. 5, Gram Panchayat- Bhadokhara, P.S. Mufasil, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Govt. of Bihar, Patna.
2. The Director, Department of Social Welfare, Govt. of Bihar, Patna.
3. The District Magistrate cum Collector, Nawada.
4. The Child Development Project Officer, Nawada Sadar, District- Nawada.
5. The District Programme Officer, I.C.D.S. Nawada.
6. Sarojani Devi Wife of Jai Nandan Singh At present- Female Supervisor, Anganbari Centre Maharajganj, Ward No. 5, Centre Code No. 275 Gram Panchayat Bhadokhara, P.S. Mufasil, District- Nawada.
7. Shobha Kumari Wife of Santu Kumar Resident of Village- Maharajganj, Ward No. 5, Gram Panchayat- Bhadokhara, P.S.- Mufasil, District- Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Baxi S R P Sinha, Sr Advocate with Mr Kumar Sunil, Advocate
For the Respondent/s	:	Mr Md Raisul Haque, SC X Mr Binay Kr, AC to SC X

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 30-06-2022

Heard learned senior counsel for the petitioner as well as the learned State Counsel.

2 The petitioner challenges the selection of Respondent No 7 as Angan Bari Sevika at Center No 275 in Ward No 5, Gram Panchayat – Bhadokhara in the district of Nawada.



3 The learned senior counsel submits that private Respondent No 7 Shobha Kumari was having two different dates of birth and, therefore, her claim was not found to be tenable by the order of the District Programme Officer dated 24.02.2018. The allegations made by the contesting Respondent No 7 Shobha Kumari against the petitioner was, therefore, rejected by the District Programme Officer, thus, selection of the petitioner was the only logical and legal consequence. Interference with such conclusion by the order of the District Magistrate dated 11.10.2019, is unsustainable.

4 The learned State Counsel has appeared and tried to assist the Court with regard to legality of the order passed by the District Magistrate, Nawada.

5 Upon hearing the parties, this Court would observe that the records reveal that private Respondent No 7 has raised a specific issue before the District Programme Officer regarding irregularity in the Aam Sabha proceeding dated 10.09.2016 wherein instant petitioner was declared selected. The District Programme Officer has not given any finding on the said allegation made by private Respondent No 7. Proceeding on the basis of the allegations made by the instant petitioner that Respondent No 7 had two different dates of birth and that her



candidature was legally unsustainable, the District Programme Officer has rejected Miscellaneous Case No 45 (Legal)/2016 which was brought by Respondent No 7. In the concluding paragraph of order dated 11.10.2019, the District Magistrate, has clearly recorded that all the issues raised, were not considered or decided by the District Programme Officer. He, therefore, considered it appropriate to hold process afresh for selection of Angan Bari Sevika.

6 On consideration of the submissions and records, it is obvious that order of the District Magistrate is correct, in so far as the conclusion regarding District Programme Officer not deciding all the issues. The course, adopted by the District Magistrate, would not only facilitate consideration of the candidature of the petitioner and Respondent No 7 on their merits afresh, but also allow others who may have become eligible in the meantime. Selection afresh would also be in the larger public interest to ensure that a competent and qualified person is selected to perform the functions of Anganbari Sevika for ensuring that the benefits reach the beneficiaries properly. Order of the District Magistrate would only be in furtherance of interest of justice. Other issues, in the orders of District Programme Officer and District Magistrate, have not attained finality and, therefore, the allegations against



Respondent No 7, or otherwise are issues left open to be determined in the fresh process of selection, or in appropriate proceedings.

7 This writ petition is, therefore, dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.07.2022
Transmission Date	NA

