

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2352 of 2023

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Rita Kumari @ Rita Devi W/o Jitendra Kumar Ray R/o Village- Kevadi Kala,
P.S.- Amnor, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar, Bailey Road, Patna.
2. The Director, Department of Social Welfare, Government of Bihar, Bailey Road, Patna.
3. The Director, ICDS, Government of Bihar, Patna.
4. The Deputy Director, Department of Social Welfare, Patna, Dist.- Patna.
5. The Additional Chief Secretary of Social Welfare Department, Patna, Dist.- Patna.
6. The Commissioner, Saran at Chapra, Dist.- Saran.
7. The District Magistrate, Saran at Chapra, Dist.- Saran.
8. The District Program Officer, Saran at Chapra, Dist.- Saran.
9. The Child Development Project Officer, Amnor, Dist.- Saran.
10. Meena Kumari, W/o Jay Prakash Ray R/o Village- Kevadi Kala, P.S.- Amnor, District- Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate
For the Respondent/s : Mr.Rajesh Kumar, AC to GP-3

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-07-2023 1. Heard learned counsel for the petitioner and

learned counsel for the State.

2. The writ application arises out of a process for

selection of Aanganwadi Sevika in Ward No. 12 of Block-

Amnor in the District of Saran. The private Respondent No.10

has emerged successful in the process of selection. The same

was assailed by the petitioner on the ground that she has



attached the matriculation mark-sheet of her husband with her application form and taking undue advantage of the mark-sheet of her husband, she has secured the selection.

3. The issue was raised before the authorities under the guidelines. The petitioner had moved before the District Program Officer (hereinafter referred as “DPO”). The Respondent No.10 appeared before the DPO. Her stand before the DPO, which is evident from the order of the DPO dated 11.06.2021 was that due to mistake mark-sheet of her husband had been uploaded along with the online application form. Before the date of Aam Sabha and Special Aam Sabha, she had submitted her own mark-sheet. The Respondent No.10’s selection was based on the marks in her own mark-sheet, being 59.86 per cent. It was her contention that the mistake had been cured before the Aam Sabha and based on her own mark-sheet, she had secured the selection. The DPO has relied upon a letter dated 28.01.2020 bearing No. 721 issued by the ICDS Directorate, directing all the concerned to consider only the application submitted online for the purposes of selection of Sevika. The fact that Respondent No.10 claim to have submitted her correct certificate before the Aam Sabha, therefore, was not found worth consideration and the Respondent No.10’s selection



was cancelled. The Child Development Project Officer, Amnor, was directed to issue selection letter to the petitioner.

4. The Respondent No.10 thereafter availed remedy before the Commissioner, Saran Division in Aanganwadi Appeal Case No. 49 of 2021. The Commissioner after hearing the parties has set aside order of the DPO dated 11.06.2021 communicated on 14.06.2021 and accepted the case of the Respondent No.10. The Commissioner has found that the Respondent No.10 in her application had claimed her matriculation marks to be 59.86 per cent. Since the Respondent No.10's marks were sufficient for placing her as the successful candidate, Commissioner has rejected the plea that the Respondent No.10 has taken any undue advantage of her husband's matriculation certificate. He has also rejected the plea of the petitioner that the letter of the Directorate, ICDS, dated 28.01.2020 has been violated. This is for the simple reason that the letter, which is alleged to have been violated, is dated 28.01.2020 whereas the application was filed much prior thereto i.e. on 04.07.2019.

5. The court is thus in agreement with the conclusions of the Commissioner, which are based on perusal of the records of the selection. There being no infirmity in the



process as the orders were passed after hearing the parties, this court is not inclined to interfere with the factual findings recorded in the order.

6. Writ application is dismissed.

(Madhuresh Prasad, J)

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