

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4126 of 2023

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Boby Kumari W/o Amardeep Singh, R/o - Village - Rasalpur (Shishua), P.O. -
Siswa, P.S. Harpur, District - Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
3. The Director ICDS Government of Bihar, Patna.
4. The Divisional Commissioner, Munger.
5. The District Magistrate, Munger.
6. The District Programme Officer, ICDS, Munger.
7. The Child Development Project Officer, Tarapur, Munger.
8. Sunita Kumari, Wife of Ajay Kumar Singh, R/o - Village - Siswa Rasalpur, ward no. 4, P.S. Harpur, District - Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Alok Ranjan, Advocate
For the State	:	Mr. S.K. Mandal, SC- 3
		Mr. Arjun Prasad, AC to SC- 3

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 04-09-2023

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner's grievance is that the private respondent No. 8 was unduly selected as the *Anganwadi Sevika* for the Anganwadi centre at Ward No. 4, bearing centre No. 118 in Block- Tarapur. The date of Aam Sabha and panel is 09-03-



2018. One Sunita Kumari, against whom the petitioner made allegations, resigned, whereafter the private respondent No. 8 has been selected.

3. Learned counsel for the petitioner submits that the selection of the *Anganwadi Sevika* at Aam Sabha dated 09-03-2018, came to an end by virtue of her resignation. The petitioner ought to have been appointed being the next in the panel. Ignoring the same, the Authorities have proceeded for selection afresh.

4. Mr. Mandal, appearing for the State, has drawn attention of this Court towards judgment of this Court dated 21-05-2021. The submission is that selection in-question in these proceedings were conducted under the 2016 guidelines issued by the ICDS Directorate. Considering the similar claim of a person aggrieved by selection under the 2016 guidelines, this Court in the case of ***Ranju Kumari & Anr. Vs. State of Bihar & Ors.*** reported in ***2021 (4) BLJR 66***, has held that the guideline does not contemplate mechanical selection of the next empanelled candidate in order of merit. The decision of the Court relied upon, is clear, as is evident from bare perusal of the same. Paragraph No. 14 reads as follows:-

“14. This Court finds that Clause 10 of the Anganwari Sevika/Sahayika selection Guidelines,



2016 stipulates that the validity of the panel shall be for a period of one year from the date of selection, however, admittedly there is no provision in the entire Anganwari Sevika/Sahayika selection Guidelines, 2016 regarding mechanical issuance of an order of appointment qua the second candidate in the merit list, on the post of Sevika, in case the District Programme Officer, upon a complaint made to him, cancels the appointment of the selected Sevika, thus this Court is of the opinion that in such cases, as the present one, the only recourse open to the respondent State authorities is to issue a fresh advertisement for making fresh selection on the post of Sevika at the Anganwari Centre in question. As far as reliance of the learned counsel for the petitioner of the first case on the letter dated 17.05.2013, issued by the Welfare Department, Government of Bihar whereby Clause 10.3 of the Guidelines 2011 had been amended, is concerned, the same has stood abrogated with the coming into force of the new Guidelines i.e Anganwari Sevika/Sahayika selection Guidelines, 2016, in terms whereof, the selection process in question had been initiated in the year, 2016.

Hence, I find that the District Magistrate, Nawada, by his order dated 18.05.2018, has rightly directed for conducting the selection process afresh by issuance of fresh advertisement



for the purposes of making appointment on the post of Anganwari Sevika at the aforesaid Anganwari Centre.”

5. Judgment being of a Co-ordinate Bench, this Court is not inclined to take a different view than what has been taken by the said judgment. The petitioner, therefore, has no enforceable right by virtue of being the next empanelled candidate in the panel dated 09-03-2018.

6. The Court would also take into consideration that the panel was subsisting only for 1 year and today we are in 2023. No case is made out for exercising extraordinary writ jurisdiction under Article 226 of the Constitution of India.

7. Learned counsel for the petitioner submits that he would be applying, in case of vacancy arising in future.

8. With such liberty, writ petition is dismissed.

(Madhuresh Prasad, J)

Raj kishore/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	08-09-2023
Transmission Date	N/A

