

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3896 of 2023

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Keeran Kumari W/o Arvind Paswan, R/o Village- Bariyarpur (West) Ward
No. 11, P.S. and Block- Khodamandpur, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Social Welfare Department, Government of Bihar, Patna.
2. The Director Integrated Child Development Services, Bihar, Patna.
3. The Divisional Commissioner, Munger.
4. The District Programme Officer (ICDS), Begusarai.
5. The Child Development Project Officer, Khodamandpur, Begusarai.
6. The Lady Supervisor-cum-Member, Secretary, Selection Committee, Child Development Project Khodamandpur, Begusarai.
7. The Ward Member-cum-Chairman, Selection Committee, Ward No. 11 of Centre, Bariyarpur (West), Centre Name-Matkora, Panchayat, Bariyarpur (West) Khodamandpur, Begusarai.
8. Poonam Kumari W/o Rakesh Kumar, Resident of Village- Tara Bariyarpur, Ward No. 11, Centre-Matkora No. 38 Khodamandpur District- Begusarai.
9. Ranju Kumari Wife of unknown, C.D.P.O. Khodamandpur, Begusarai.
10. Lalita Devi Wife of Unknown, Ward Member Cum Chairman (Chayan Samiti) Khodmandpur, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar
For the Respondent/s : Mr.Prasant Pratap (Gp 2)

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 21-08-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. An advertisement was issued inviting online
applications for selection of *Anganwari Sevikas* on 27-05-2019.
The last date was fixed as 10-06-2019, which was, subsequently,
notified to be 20-06-2019. The petitioner made her application



for selection in the process being conducted for Khodawantpur, Ward No.11. Thereafter, the provisional merit list was published of the various centers for which the selection process was conducted under advertisement dated 27-05-2019. In respect of another Ward, namely, Bariyarpur West, Ward No.11, the petitioner submitted her objection, stating that her application should be treated as application for Bariyarpur West, Ward No.11 instead of Khodawantpur Ward No.11. Ignoring the said request of the petitioner, final merit list has been published, wherein, the private Respondent No. 10 has been selected as *Sevika* for Bariyarpur West, Ward No.11. The petitioner moved the Child Development Project Officer (CDPO) complaining that in spite of her objection, her candidature has not been considered for Bariyarpur West, Ward No.11. The submission was that she had filed an objection before preparation of final merit list i.e. on 26.06.2019 before preparation of the final merit list and, therefore, she ought to have been considered as a candidate for Bariyarpur West, Ward No.11. The CDPO vide order dated 23-10-2019 in Complaint case No. 02/2019 has rejected this grievance of the petitioner. The petitioner has therefore, gone in appeal before the District Programme Officer (for short 'DPO'). The DPO vide order dated 18-03-2020 (Annexure-6) has



accepted the petitioner's grievance taking into consideration the fact that petitioner had made her objection on 26.06.2019, before preparation of final merit list. It has been held that she ought to be considered as a candidate from Bariyarpur West, Ward No.11. It is under such circumstances, that the private respondent no.8 has moved the Court of the Divisional Commissioner, Munger being the Revisional Appellate Authority. The learned Divisional Commissioner, by the impugned order dated 13-12-2022 in Anganbari Service Appeal No. 01 of 2021 vide Annexure-7 has taken note of the fact that the last date for filing online application was 20-06-2019. The fact that the petitioner applied for Khodwantpur Ward No.11 is not in dispute. It is also not in dispute that only when objections were invited in respect of the provisional merit list, the petitioner had made her objection claiming to be considered from Bariyarpur West, Ward No.11, instead of khodawantpur Ward No11. Such application submitted at the time, objections were solicited against the provisional merit list, cannot be considered so as to change the *Panchayat* from which the petitioner has applied for selection. The advertisement is not on record. Therefore, it is not possible to ascertain as to whether after submission of online application forms, any opportunity



was provided in terms of the advertisement for making any correction in the details. If at all there was any such provision, at best, the same could have been till the last date of submission of application forms. The same could surely not be after preparation of the provisional merit list. The application submitted by the petitioner, therefore, has rightly been considered by the Divisional Commissioner, Munger by the impugned order dated 13-12-2022 (Annexure-7) to be unsustainable for claiming to be considered from Bariyarpur West, Ward No.11 instead of Khodawantpur Ward No.11, for which, the petitioner had applied.

3. This Court finds no merit in the writ application.

The same is dismissed.

(Madhuresh Prasad, J)

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