

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.441 of 2019

In
Civil Writ Jurisdiction Case No.12161 of 2016

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Soni Kumari @ Soni Devi W/o Sri Manikant Niraj Resident of Village-Nagar
Panchayat Banmankhi, Ward No.7, Post Banmankhi, Dist-Purnea

... .. Appellant

Versus

1. The State of Bihar through the Secretary Department of Social Welfare Government of Bihar, Patna.
2. The Director, (ICDS) Integrated Children Department Administrator-cum District Officer, Purnea.
3. The Joint Commissioner-cum-Secretary, Regional Transport Authority, Office of the Sub Divisional Commissioner Purnea.
4. The District Magistrate Purnea.
5. The District Programme Officer, Purnea
6. The Deputy Collector Land Reforms Banmankhi, Purnea.
7. The Child Development Project Officer, Banmankhi, Purnea.
8. Renuka Devi W/o late Gopal Krishna Bhagat Resident of P.O. and P.S. Ward No.7 Banmankhi, Dist-Purnea.
9. Musrat Praveen, Wife of Bhagat Singh Nagar Parishad, Banmankhi, Aganwari Center- Mandal Tola, Aganwari Center Code No.- 266, Ward No.- 7, Block- Banmankhi, District- Purnea.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Sanjeet Kumar, Adv. Mrs. Mira Kumari, Adv.
For the State	:	Mr. Gyan Prakash Ojha, GA-7 Abhishek Singh, AC to GA-7
For Respondent no.8	:	Mr. Ranjeet Tiwary, Adv.
For Respondent no.9	:	Mr. Sanjay Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 02-03-2023

Heard Mr. Sanjeet Kumar, assisted by Mrs.

Mira Kumari, learned advocate for the appellant, Mr.



Gyan Prakash Ojha, learned advocate for the State, Mr. Ranjeet Tiwary, learned advocate for the respondent no.8 and Mr. Sanjay Kumar, learned advocate for the respondent no.9.

The appellant was earlier recommended for being engaged as Anganwadi Sevika but on the complaint of respondent no.8, the appointment was cancelled.

The grievance of the appellant is that no notice was given to her before cancellation of her appointment.

However, it appears from the records that the appellant was ranked third in the merit list whereas respondent no.8 was at number four in the merit list who had made the complaint.

The order of the District Programme Officer clearly indicated that though the Mapping Register was prepared, but the same was not signed by either the Child Development Project Officer or the Female Supervisor, even though an Aam Sabha had been conducted.

In the Mapping Register, the dominant category was found to be Most Backward Class, in which there was only candidate, namely, Pinki Kumari



who was unavailable at the time of engagement.

At serial no.1 in the merit list was a person who came from General Category whereas the candidate at serial no.2 in the merit list could not have been selected because of her husband being a Postmaster. The choice then fell on the appellant.

However, the entire process of selection was set aside for the preparation of the Mapping Register to be not in consonance with the Rules.

This is the reason why the learned single Judge has not acceded to the request of the appellant to revert the process and issue a direction for selecting/sustaining the appointment of the appellant as Anganwadi Sevika.

The Learned advocate for the appellant has submitted that only because the Mapping Register was not prepared in accordance with the guidelines, the process which was conducted otherwise in consonance with all other guidelines, ought not to have been given a short shrift and the claim of the person higher in the merit list ought not to have been defeated by the claim of a person placed low in the merit list, whose complaint was nothing more than mere vendetta.

However, from the perusal of the impugned



order, we find that the learned single Judge called for the Mapping Register and found there was not even initials of the Child Development Project Officer or the Female Supervisor nor was such power delegated to any authority and therefore, the District Programme Officer and the Collector were justified in not sustaining the process of appointment.

We do not find any reason to interfere with the order dated 21.02.2019 passed by the learned single Judge.

The appeal is dismissed.

(Ashutosh Kumar, J)

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03-03-2023
Transmission Date	

