

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8376 of 2019

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Rangila Devi Wife of Virbahadur Ray resident of Ward No. 10 ,Village-
Gauri, P.S.- Nanpur, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Director, Integrated Child Development Services (ICDS), Bihar, Patna.
3. The District Programme Officer, Sitamarhi.
4. The Child Development Project Officer, Nanpur, Sitamarhi.
5. Veena Devi Wife of Dharmvir Prasad Yadav Village- Gauri, P.S. Nanpur,
District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajendra Narayan Singh, Advocate
For the State	:	Mr.S.K.Mandal (SC3) with Mr.Bipin Kumar, AC to SC 3

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 17-07-2023

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

2. The petitioner and private respondent No. 5 have both been selected as '*Aaganwadi Sevika*' on the same date. Home ward of both the petitioner and respondent No. 5 is one and the same. They both belong to home ward No. 10. Since the two '*Anganwadi Sevikas*' could not be functioning at the same Centre; the Authorities have, relying upon the ICDS communication dated 24.08.2018 (Annexure 3), shifted the petitioner to ward No. 8 by order dated 19.12.2018 issued by respondent no. 4 (Annexure 4) to accommodate respondent No. 5 at ward 10, her own home ward.

3. Learned counsel for the petitioner is aggrieved by



such shifting. It is submitted that there is no provision providing for shifting of the petitioner from ward No. 8 to 10. Both petitioner and private respondent no. 5 were selected on the same date. Since the petitioner was working at her home ward No. 10, there was no occasion to shift her to ward No. 8. The provision in the selection guidelines is clear in its intent that the '*Anganwadi Sevika*' has to be resident of the "*Poshak Kshetra*" of Centre.

4. Since both the petitioner and private respondent No. 5 are residents of the same ward, the only provision brought to the notice of this Court, applicable for resolving the issue arising out of an appointment of two '*Anganwadi Sevika*' from the same Centre can be found in the ICDS letter dated 24.08.2018, which gives preference to the elder '*Anganwadi Sevika*'. The provision contained in the ICDS letter dated 24.08.2018, which is relevant and which has been relied upon for resolving the stalemate arising out of selection of two '*Anganwadi Sevikas*' from the same Centre reads as follows:-

“निदेशानुसार इसके अतिरिक्त सम्यक विचारोपरान्त निर्णय लिया जाता है कि अगर एक ही वार्ड में एक या एक से अधिक सेविका/सहायिका एक ही दिन चयनित होकर एक ही वार्ड में कार्य कर रही हो तो उम्र के आधार पर वरीयता निर्धारण करते हुये कम उम्र



की सेविका/सहायिका को निकटतम वार्ड में
शिफ्ट किया जायेगा।”

5. Giving preference to the elder of the two selected Anganwadi Sevikas to continue in the home ward, and requiring the younger of the two to move to an adjoining ward, is based on this I.C.D.S. letter dated 24.08.2018. Such resolution of the issue is by adopting a policy of preference to senior, which is already existing in the department since before. The same, in the opinion of the Court, is based on a fair criteria, i.e., seniority based on age. The fact that private respondent No. 5 is elder, is not in dispute.

6. Thus, the decision dated 19.12.2018 which derives sustenance from communication dated 24.08.2018, of the ICDS letter giving preference to seniority of age, in the opinion of the Court, does not require any interference.

7. Accordingly, the writ petition is dismissed.

(Madhuresh Prasad, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

