

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.432 of 2023

Indu Kumari @ Indu Devi Wife of Shyam Kumar Suman, Resident of Village
- Poari, Ward No. 08, Block and P.S. - Bisfi, Gram Panchayat- Khairi Banka
Uttar, District - Madhubani

... .. Petitioner

Versus

1. The State of Bihar Through the Principal Secretary, Department of Social Welfare, Govt. of Bihar, Patna.
2. The Director I.C.D.S., Department of Social Welfare, Government of Bihar, Patna.
3. The Divisional Commissioner Darbhanga Division, District - Darbhanga
4. The District Collector-cum-District Magistrate Madhubani
5. The District Programme Officer I.C.D.S. , Madhubani
6. The Child Development Project Officer (C.D.P.O.), Bisfi, District Madhubani.
7. Bharti Devi, Wife of Bachche Lal Paswan Resident of village - Poari, Ward No. 08, P.S. and Block - Bisfi, District Madhubani

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.
For the Respondent/s : Mr. Bipin Kumar, A.C. to SC-3

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-03-2023 Heard Mr. Pramod Mishra, learned counsel for the

petitioner and Mr. Bipin Kumar, learned A.C. to S.C.-3 for the

State.

The petitioner in this case is aggrieved by and
dissatisfied with the order dated 06.04.2018 passed by the
District Magistrate, Madhubani in Anganwari Appeal Case No.
17/35 of 2015-16 whereby and whereunder the appeal preferred
by the Private Respondent No. 7 against the order of the District
Programme Officer cancelling her selection as Anganwari



Sewika of Centre No. 112 has been dismissed but while dismissing the appeal of the Private Respondent, the District Magistrate has interfered with that part of the order also by which the petitioner was ordered to be appointed as Anganwari Sewika of Anganwari Centre No. 112.

Learned counsel for the petitioner submits that the private respondent had been selected as Anganwari Sewika on 18.12.2003. Against her selection, this petitioner made a representation on 11.08.2004 to the Child Development Project Officer, District-Madhubani. No action was taken thereon whereafter the petitioner preferred an application before the District Programme Officer, Madhubani giving rise to Case No. 44/2012-13.

It is stated that the District Programme Officer, Madhubani found that the complaint made by the petitioner against the selection of Private Respondent No. 7 was genuine and as the Father-in-law of Private Respondent No. 7 was a government servant, she was not eligible for consideration. The District Programme Officer, Madhubani therefore, cancelled the selection of Private Respondent No. 7 and directed that the Anganwari Centre be run through the petitioner.

Learned counsel for the State has opposed this writ



application. It is submitted that against the selection of Private Respondent No. 7, this petitioner moved before the District Programme Officer after about 10 years. So far as the complaint dated 11.08.2004 (Annexure '1') is concerned, the same does not find any mention in the order passed by the District Programme Officer, therefore, it would not be safe to rely upon Annexure '1'. Learned counsel submits that while cancelling the selection of Private Respondent No. 7, the District Programme Officer, Madhubani has completely erred in directing the C.D.P.O., Madhubani to run the centre through the petitioner. The fact is that the petitioner was not selected and there was no order of any competent authority to the effect that the petitioner would be liable to be selected after cancellation of the engagement of Private Respondent No. 7. It is further stated that the impugned order is a well reasoned order. This Court sitting in its extraordinary writ jurisdiction need not interfere with the same.

Having heard learned counsel for the petitioner and the State as also on perusal of the records, this Court finds that admittedly the petitioner had moved before the District Programme Officer, Madhubani after about 10 years of the selection of the Private Respondent No. 7. The District



Programme Officer while cancelling the selection of Private Respondent No. 7 could not have directed for running the Anganwari Centre through the petitioner because the petitioner had not been selected as Anganwari Sewika and even after the cancellation of selection of Private Respondent No. 7 the fresh procedure for appointment of Anganwari Sewika had not been conducted.

This Court further finds that the impugned order passed by the District Magistrate, Madhubani is a well reasoned order after hearing both the parties. In the opinion of this Court, the District Magistrate has rightly taken a view whereunder he has set at naught that part of the order of the District Programme Officer by which he had directed for running the centre through the petitioner.

This Court sitting under Article 226 of the Constitution of India does not find any reason to grant this discretionary relief in favour of the petitioner. However, it is made clear that the consideration given by this Court is presently limited to the claim of the petitioner.

This writ application is, thus, dismissed.

(Rajeev Ranjan Prasad, J)

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