

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1647 of 2019

In
Civil Writ Jurisdiction Case No.18718 of 2019

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Priti Kumari W/o Ravi Kumar resident of Village- Morsand Malapur, P.S.
Pusha, District- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar through Collector Samastipur
2. The District Programmer Officer Samastipur
3. The Child Development Project Officer Samastipur
4. Smt. Shakuntla Kumari W/o Sushil Paswan Resident of Village- Morsand
Malpur, P.S.- Pusha, District- Samastipur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Birendra Kumar, Advocate
For the Respondent/s : Mr. Gyan Prakash Ojha, GA-7

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

Date : 26-07-2023

1. Heard learned counsel for the parties.
2. The instant appeal has been preferred against the
order dated 24.9.2019 dismissing CWJC no.18718 of 2019.
3. The case of the writ petitioner-appellant in brief is
that pursuant to the respondents coming out with an
advertisement for appointment of Anganwari Sevika for Centre
Morsand Malpur, Ward no.1 under Gram Panchayat Morsand



Malpur in Block Pusa in the district of Samastipur, both the appellant as also the respondent no.4 applied for the same. They were placed in the merit list at Sl. no.2 and 4 respectively. The appellant was selected by the Selection Committee against which the respondent no.4 moved before the District Programme Officer, Samastipur. In the meantime, the respondent no.4 moved this Court in CWJC no.2386 of 2019 which was disposed of by order dated 18.2.2019 directing the District Programme Officer, Samastipur to decide the representation of the appellant by a reasoned order after hearing both the appellant and the private respondent.

4. By order dated 25.5.2019 passed in Case no.82/2018, the District Programme Officer, Samastipur set aside the selection of the appellant as Anganwari Sevika. The appellant preferred an appeal before the Collector, Samastipur which was registered as Anganwari Appeal no.319 of 2019, however the learned Collector, Samastipur was pleased to dismiss the appeal by his order dated 28.6.2019.

5. The appellant challenged the order dated 28.6.2019 passed in Anganwari Appeal no.319 of 2019 by the learned Collector, Samastipur by filing CWJC no.18718 of 2019 which was dismissed by the learned Single Judge by his order



dated 24.9.2019. It is against this order that the instant appeal has been preferred.

6. Learned counsel appearing for the appellant submitted that the learned Single Judge failed to take into consideration that the appellant who was selected as an Anganwari Sevika in the year 2016 had successfully completed her training and was discharging her duties with full efficiency. She was living separately from her father-in-law and thus the application of Clause-6 of the 2016 Guidelines by the learned Single Judge was erroneous.

7. Having heard learned counsel for the parties and having perused the material on record, the fact not disputed by the appellant is that her father-in-law is a Government servant. Further, Clause-6 of the 2016 Guidelines for selection/engagement of Anganwari Sevika under the Integrated Child Development Service clearly provides that the daughter-in-law of a Government servant having a monthly income of Rs.12,000/ or more will be ineligible for selection as a Sevika/Sahayika.

8. In view of the undisputed and uncontroverted fact of the father-in-law of the appellant being a Government servant together with the contents of Clause-6 of the 2016 Guidelines,



the Court finds no merit in the instant appeal nor any error in the order of the learned Single Judge.

9. The appeal is dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Saurabh/-

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CAV DATE	
Uploading Date	05.08.2023
Transmission Date	

