

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16133 of 2019

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Nagma Anjum Wife of Md. Anjar Resident of Village-Baluara,
Grampanchayat Ninga, Police Station and Block Barauni, District-Begusarai
... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Bihar, Patna
2. The Director I.C.D.S Bihar, Patna
3. The Director Mass Education, Bihar, Patna
4. The Deputy Director Department of Welfare, Munger Commissioner, Munger
5. The District Magistrate-cum-District Collector Begusarai
6. The District Programme Officer Begusarai
7. The B.D.O. Barauni, Begusarai
8. The C.D.P.O. Barauni, Begusarai
9. The Mukhiya Gram Panchayat Ninga Barauni Block and Police Station Barauni, District-Begusarai
10. Firdous Naaz Wife of Imteyaz son of Md. Ahmad Resident of Village-Baluara, Gram Panchayat Ninga Block and Police Station Barauni, District-Begusarai

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Md. Najmul Hodda, Adv Mr. Vivek Raj, Adv Mr. Manan Khan, Adv Mr. Binay Kumar, Adv
For the Respondent/s	:	Mr.S.K. Mandal (Sc3)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 30-09-2024 Heard Learned Counsel for the petitioner and

Learned Counsel for the State.

2. The present writ petition has been filed for quashing of the order dated 26.03.2019 passed in Misc. Appeal No. 01 of 2016 by the District Magistrate-cum-District Collector Begusarai (Respondent No. 5) by which he has dismissed the appeal of the petitioner and confirming the order



dated 07.04.2015 passed in Misc Case No. 18/2014 by the Respondent No. 6, District Programme Officer, Begusarai upholding most illegal appointment of the private respondent no. 10 on the post of Anganbari Sevika.

3. Learned Counsel for the petitioner submits that both the orders i.e. order dated 26.03.2019 passed in Misc. Appeal No. 01 of 2016 passed by the District Magistrate-cum-District Collector Begusarai (Respondent No. 5) and the order dated 07.04.2015 passed in Misc Case No. 18/2014 passed by the Respondent No. 6, District Programme Officer, Begusarai has been passed completely ignoring the established principle of law as appointment always use to take place on the post of Anganwari Sevika under the relevant Margdarshika/Guidelines, in presence in Aam-Sabha and at that very relevant time, the Aam-Sabha was to be presided by Mukhiya. Learned Counsel submits that under the R.T.I, a request has been made from Gram Panchayat Raj Ninga in which vide memo no. 1 dated 20.07.2017, report has come in which it has categorically indicated that the then Mukhiya and Panchayat Sachiv were not present in the Aam Sabha as they were not intimated and appointment was solely made by the C.D.P.O. Barauni, Begusarai.



4. Learned Counsel for the State submits that the allegation made by the petitioner about the appointment of the private respondent which has been done only at the instance of C.D.P.O. Barauni by forging the documents is not correct. He further submits that the appointment has been made correctly in accordance with law and in this regard, Annexure-A, B, C, D and E have been annexed from which it transpires that there is no need of any interference in the order passed by the D.P.O, Begusarai as well as the order passed by the District Magistrate, Begusarai.

5. After hearing the parties, it transpires to this Court that the contention made by the petitioner in Annexure-7, it transpires that the information which has been obtained by the petitioner from R.T.I. Act that for appointment of Centre No. 172, neither Panchayat Sachiv nor Mukhiya was intimated about Aam-sabha is correct.

6. It also transpires to this Court that the petitioner has earlier moved before this Hon'ble Court in C.W.J.C. No. 10380 of 2015 vide order dated 31.07.2015, the Hon'ble Court has permitted to withdraw this application with liberty to enable the petitioner to file appeal and after this direction, the petitioner has preferred appeal before the District Magistrate, Begusarai,



who has passed the order which is impugned here.

7. After going through Annexure-7, it transpires to this Court that for the appointment of Anganwari Sevika in Centre No. 172, Aam Sabha has not been conducted according to the then Margdarshika and also the Aam Sabha was not conducted in the presence of Mukhiya and Panchayat Sachiv.

8. As such, the present writ petition is allowed. The order dated 26.03.2019 passed in Misc. Appeal No. 01 of 2016 by the District Magistrate-cum-District Collector Begusarai (Respondent No. 5) and the order dated 07.04.2015 passed in Misc Case No. 18/2014 by the Respondent No. 6, District Programme Officer, Begusarai are hereby quashed.

(Dr. Anshuman, J)

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