

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3257 of 2018

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Vandana Kumari Wife of Ramesh Poddar, resident of Village- Jamua, P.S.-
Chautham Pipra District- Khagaria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Chief Secretary Govt. of Bihar, New Secretariat Patna.
3. The Commissioner and Secretary Social Welfare Department New Secretariat Patna.
4. The Director, Department of Social Welfare, New Secretariat Patna.
5. The Deputy Director, Department of Social Welfare, Munger.
6. The Assistant Director, Department of Social Welfare, Munger.
7. The Divisional Commissioner, Munger.
8. The District Magistrate, Khagaria.
9. The Child Development Project Officer CDPO Chautham Pipra, Khagaria.
10. The Sub Divisional Officer, Chautham Pipra, Khagaria.
11. The District Welfare Officer, Khagaria.
12. The Deputy Development Commissioner, Khagaria.
13. The District Programme Officer Khagaria.
14. Anoj Kumar, Son of Bageshwar Rajak, Resident of Village- Jamua, P.S.-
Chautham Pipra, District- Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sushmita Mishra Mr. Surya Naryan Sah, Adv Mr. Shishir Pathak
For the Respondent/s	:	Mr.Md. Raisul Haque- Sc10

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 18-03-2024 Heard learned counsel for the petitioner and counsel
for the State present.

2. Notices have been issue to respondent no. 15 but no
one appears on behalf of the respondent no. 15 even after valid
service of notice upon respondent no. 15.



3. Counsel for the petitioner submits that the present writ petition has been filed for quashing of the order dated 16.05.2017 passed by the District Magistrate, Khagaria in Appeal No. 112 of 2014/16/15-16 whereby and whereunder the aforesaid appeal preferred by the petitioner has been dismissed and the order dated 08.08.2014 passed by the Respondent no. 14, the District Programme Officer, Khagaria in Case No. 34 of 2013 whereby selection in Ward 63 in Nirpur Panchayat of Village-Jammu in Khagaria in the year 2008 has been affirmed.

4. Counsel for the petitioner submits that the petitioner was appointed on the post of Anganwadi Sevika after due selection at Anganwari Sevika, Nirpur Panchayat of Village-Jammu in Khagaria on 20.06.2008. Counsel further submits that she has been discharging her duties honestly and sincerely since her appointment and with full satisfaction of her authorities. Counsel for petitioner further submits that on 08.12.2012, respondent no. 15 who is a teacher, who was not the candidate for the said post used to demand money from the petitioner and upon non fulfillment of demand, lodged a complaint before Respondent No. 9. It is stated that after lapse of almost four and half years the appointment/selection of petitioner was questioned with allegation that petitioner's appointment was not



as per the Guidelines. Counsel submits that the deficiency has been raised that according to Sub Clause-IV of Clause 6 of Guidelines of 2006, the presence of 1/10 number of beneficiary listed in the Mapping Register was necessary, and therefore, presence of only 51 number of beneficiaries does not fulfill the quorum without disclosing even that as to how many beneficiary are registered in the Mapping Register and presence of how many beneficiary could have fulfilled the quorum and on the basis of only ground that the quorum was not fulfilled.

5. The selection of the petitioner is of the year 2008 and was cancelled after lapse of about six years and two months of her satisfactory service and particularly after amendment/repeal of Guideliness of 2006. Counsel for the petitioner submits that the appointment has been made in the year 2008 by virtue of Guidelines of 2006 and during her service, there was no challenge made on the appointment of the petitioner but later on when new Guidelines of 2011 has come, then her appointment was challenged and according to the new Guidelines, Respondent No. 9 has no authority to pass impugned order dated 16.05.2017. As such, counsel for the petitioner submits that the said order passed by the District Programme Officer, Khagaria and subsequently entertained by



District Magistrate, Khagaria, are without jurisdiction and not fit to be sustained. Counsel further raised one more point that it is nowhere mentioned in the said complaint that the presence of 1/10 number of beneficiary is from the major persons about which the entire proceeding is completely silent. Counsel for the petitioner also raised objection regarding the question of entertainment of objection filed by the strangers who have nothing to do with the said appointment process.

6. Counsel for the State submits that on the point of *locus standi*, the petitioner being a resident of the said locality where Anganwadi Centre is working is competent to file application/complaint, but on the other hand, he admits that appointment was made through the Guideliness of 2006 and in 2011, when guidelines was completely changed then only the complaint has been filed in which District Programme Officer, Khagaria is not the authority. He also admits that one tenth of the major and minor person have not been identified.

7. After hearing the parties and going through the documents, this Court is of the firm view that entertainment of the petition in 2011 shall definitely has to follow the rule which was then in existence and particularly one tenth of beneficiary, major or minor, were also not been identified. But even without



making such distinction which is already made in the Rule, the District Programme Officer has passed the order which has been affirmed by the District Magistrate, Khagaria which is illegal and not in accordance with law.

8. As such, the order dated 16.05.2017 passed by the District Magistrate, Khagaria in Appeal No. 112 of 2014/16/15-16 whereby and whereunder the aforesaid appeal preferred by the petitioner has been dismissed and the order dated 08.08.2014 passed by the Respondnt no. 14, the District Programme Officer, Khagaria in Case No. 34 of 2013 whereby selection in Ward 63 in Nirpur Panchayat of Village-Jammu in Khagaria in the year 2008 has been cancelled is hereby set aside.

9. Accordingly, the writ petition is hereby stands disposed off.

(Dr. Anshuman, J)

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