

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1445 of 2021

Maya Kumari, Wife of Gopal Bind, Resident of Village- Bajaraha, Police Station-Kudra, District- Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Social and Welfare Department, Government of Bihar, Patna.
2. The Collector-Cum-District Magistrate, Kaimur, (Bhabhua).
3. The District Programme Officer (I.C.D.S.), Kaimur, (Bhabhua).
4. The Child Development Programme Officer, Kudra, District-Katihar (Bhabhua).
5. Rukamani Kumari, Wife of Sanoj Bind Resident of Village- Bajaraha Ward No. 9, P.O.-Dagari, Police Station- Kaimur, District- Kaimur (Bhabhua), Pin No.821109.
6. Shyam Bihari Bind, Son of Late Sagina Bind Resident of Mahatma Gandhi Kashi Vidyapith, Varanasi (Uttar Pradesh).
7. Bachan Chaturvedi, Son of not known, Notary Public Sub Divisional Court Mohania, P.O. and P.S. Mohania, District- Kaimur (Bhabhua).
8. Nagendra Prasad, Son of not known, Advocate Sub Divisional Court, Mohania, P.O. and P.S. Mohania, District- Kaimur (Bhabhua).
9. The Secretary, Legal Department, Government of Bihar, Notary Public, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Choubey, Adv.
For the State	:	Mr. Sunil Kumar Mandal, SC-3
		Mr. Arjun Prasad, AC to SC-3
For the Respondent	:	Mr. Alok Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

7 01-07-2025 Heard the parties.

2. The petitioner is aggrieved with the order dated 12.03.2020 passed in Anganbari Appeal No.16/2019 passed by the Collector-cum-District Magistrate, Kaimur (Bhabhua), whereby the appeal preferred against the order dated 25.01.2019 passed in Appeal Case No.70/2018 by the District Programme



Officer (I.C.D.S.) Kaimur, came to be affirmed. The petitioner also aggrieved with the order dated 25.01.2019 passed by the District Programme Officer (I.C.D.S.), Kaimur (Bhabhua), whereby the petitioner has been terminated from her post of Anganbari Sevika, Anganbari Centre Bajaraha, Ward No.9.

3. The petitioner having found herself eligible for appointment to the post of Anganbari Centre, Bajaraha duly participated in the selection process and selected as Anganbari Sevika on 10.10.2017. After having completed training, the petitioner submitted her joining which was duly accepted. While the petitioner was discharging her duty on the post of Anganbari Sevika, in the meanwhile, the respondent no.5 made a complaint before the District Programme Officer, Kaimur, alleging therein that the petitioner's father-in-law is a Government servant having salary of more than twenty thousand. On receipt of the notice, the petitioner entered her appearance and filed a detailed reply stating therein that both the petitioner and her husband have already separated from the father-in-law long back in the year 2007.

4. To support the aforesaid contention, a Panchnama Batwara duly notarised by the Notary was also placed. However, the District Programme Officer (I.C.D.S.), Kaimur, Bhabhua allowed the Anganbari Appeal No.70/2018 and directed for cancellation of services of the petitioner on the ground afore-mentioned.



5. Aggrieved with the aforesaid order, the petitioner preferred Appeal before the learned Collector-cum-District Magistrate in Anganbari Appeal No.16/2019; however, the same also came to be rejected.

6. While assailing both the orders, learned Advocate for the petitioner contended that both the respondents have failed to consider that the petitioner and her husband had already separated and a partition had taken place long back in the year 2007; the selection process came to be started in the year 2017 and, as such, in no circumstances, the ground taken for cancellation is said to be justified. It is the specific contention of the petitioner that the factum of separation was supported by the Lady Supervisor.

7. While refuting the contention, learned Advocate for the State and the private respondent have filed separate counter affidavit. Apart from suspecting the genuineness of the Panchnama Batwara, it is further contended that disqualification enumerated in Clause (6) of the Anganbari Guidelines, 2016 is absolute and not a qualified to the extent of jointness with the father-in-law or separation from the father-in-law. Both the counsel further contended that the clarification and the amendment, which took place in the year 2018 cannot apply in the case, where selection process has taken place in the year 2017. Taking this Court to the averments made in the



interlocutory application bearing I.A. No.1 of 2023, it is further contended that now life of the panel has also expired and the District Magistrate, Kaimur, Bhabhua in Anganbari Revision Case No.6/2020 has directed for fresh selection in accordance with law.

8. Having considered the submissions set forth by the learned Advocate for the respective parties and taking note of Clause (6) of Anganbari Guidelines, 2016, this Court, *prima facie*, finds substance in the submissions by the learned Advocate for the respondents that the disqualification is absolute and unqualified, without any condition; which came to be amended and modified in the year 2018, hence, it would not be applicable in the present case. All the more, pursuant to the direction of the District Magistrate, in Anganbari Revision Case No.6/2020, fresh selection is to be carried out.

9. In view thereof, this Court does not find any merit in the present writ petition. Accordingly, it stands dismissed.

10. However, the petitioner shall be at liberty to participate in the fresh selection process.

(Harish Kumar, J)

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