

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2071 of 2017

Vibha Jaiswal W/o Sri Vijay Kumar Bhagat, R/o ADB Chowk, Ward No. 22,
P.S.- Araria, District- Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Director, Integrated Child Development Scheme Directorate, Bihar, Patna.
3. The Commissioner, Purnea Division, Purnea.
4. The Regional Development Officer, Purnea Division, Purnea.
5. The District Magistrate, Araria.
6. The District Programme Officer, Araria.
7. The Child Development Project Officer, Kritya Nand Nagar, District- Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar Singh, Advocate Mr. P. Singh, Advocate Ms. Rushali, Advocate Mr. Gyanendra Kumar Diwakar, Advocate Mr. Ankit Kumar Singh, Advocate
For the Respondent/s	:	Mr. Prashant Pratap, GP-2

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 28-02-2025 Heard Learned Counsel for the petitioner and

Learned Counsel for the State.

2. The present writ petition has been filed by the
petitioner with the following reliefs:-

(i) To quash the letter contained in Memo No.396
dated 02.06.2016 by which claim of the petitioner for her
appointment on the post of Lady Supervisor in disability quota
of B.C. category was rejected by the District Programme Officer,



Araria.

(ii) To direct the respondents to appoint the petitioner on the post of Lady Supervisor in disability quota of B.C. category. And for any other relief, which may deem fit and proper in the facts and circumstances of the case.

3. Learned Counsel for the petitioner submits that on 15.09.2004 the petitioner was appointed as Anganwari Sewika at Centre No.195, village- Madanpur, P.S. and District- Araria and started discharging her duty to the satisfaction of the authority. Counsel submits that in June, 2010, an advertisement bearing Advertisement No.02/2010 inviting applications from eligible candidates for appointment on the post of Lady Supervisor was issued by the District Magistrate, Araria, in which total 61 seats through direct selection and 21 seats through promotion were advertised. The roster chart to be followed and was not disclosed either in the advertisement or anywhere on the website of the district administration. Learned Counsel for the petitioner specifically pleaded that the petitioner was eligible for direct recruitment as the advertisement was silent over the issue of physically handicapped and also no roster was published by the appointing authority. In this regard the petitioner did not disclose about her disability in the



application. Learned Counsel further submits that provisional panel was published in which name of the petitioner was at serial No.439. Objections were also invited. Counsel submits that petitioner has also submitted her objection and requested for consideration of her candidature in physical handicapped quota. Counsel submits that on 08.01.2011 the final list of 61 persons was published as per roaster but petitioner's name was not there in the list nor any physical handicapped seat in the final list was shown. Learned Counsel for the petitioner submits that with series of correspondence the District Programme Officer has passed order which is challenged before this Court.

4. Learned Counsel for the State has raised objection and submits that the Anganwari Supervisor Appointment Guidelines, 2008 is the basic rule under which the petitioner sought her appointment. He submits that Clause-IX of the said Guidelines clearly indicate that for any illegality/irregularity relating to the appointment, the action on any illegality relating to appointment has to be made by the District Magistrate. Here in the present case, the District Programme Officer, Araria has passed order which is impugned.

5. In the light of the submission made, this Court hereby set aside the order impugned contained in Memo No.396



dated 02.06.2016, on the ground that it has been passed by District Programme Officer, Araria, in spite of the fact that under Rule IX it is the District Magistrate who has to pass order. As such, this writ petition is hereby disposed off directing the District Magistrate, Araria, to pass a reasoned and speaking order afresh in the light of the Anganwari Supervisor Appointment Guidelines, 2008 within 60 days from the date of receipt/production of a copy of this order. The District Magistrate shall oblige to consider the relevant rules applicable in the present case.

6. It is made clear that if any other person had been appointed on the said post then the District Magistrate shall pass any further order hearing the person whose right is likely to be affected.

(Dr. Anshuman, J)

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