

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23933 of 2013

Radha Kumari W/O Ranjeet Kumar Ranjan R/O Village- Maudah Chatur,
P.O- Maudah Dih, P.S- Patepur, District- Vaishali. Petitioner/s

Versus

1. The State Of Bihar, through the Commissioner Cum Secretary, Department of Social Welfare, Government of Bihar, New Secretariat, Patna.
2. The Director, Department Of Social Welfare, Government Of Bihar, New Secretariat, Patna
3. The Commissioner, Tirhut Division, Muzaffarpur.
4. The Regional Development Officer, Tirhut Division, Muzaffarpur
5. The District Magistrate, Vaishali.
6. The District Program Officer, Vaishali.
7. The Block Development Officer, Patepur, District- Vaishali.
8. The Child Development Officer, Patepur, District- Vaishali.
9. The Panchayat Secretary, Gram Panchayat Raj Maudah Chatur, Block- Patepur, District- Vaishali.
10. The Mukhiya, Gram Panchayat Raj Maudah Chatur, Block- Patepur, District- Vaishali.
11. Chandan Kumari W/O Jai Shankar Singh R/O Village Maudah Chatur,P.O- Maudah Dih, P.S- Patepur, District- Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Kumar, Advocate
For the Respondent/s	:	Mr. Manish Kumar, Advocate
	:	AC to AAG-6 (Ex.)

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

8 23-06-2026 Heard the learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

2. The present writ petition has been filed for the

following reliefs.

*“I. To direct the Respondent Authority to
appoint the petitioner on the post of
Aanganwari Sevika in Aanganwari center
no. 45 under Gram Panchayat Raj
Maudah Chatur, Block- Patepur, District-
Vaishali on the basis of merit list
prepared by the selection unit.*



II. To further direct to the Respondent Authority comply the order dated 27.09.2013, passed by the Regional Development Officer, Tirhut Division, Muzaffarpur whereby and where under the earlier Aam Sabha has been cancelled and direct to respondent authority fix the date of Aam Sabha for selection of Aanganwari Sevika as per rule.

III. To quash the selection of the Respondent no. 11 who selected on the basis of the forge Aam Sabha and on the basis of the complain of the villager this Aam Sabha has been cancelled by the competent authority and direct to the respondent authority hold fresh Aam Sabha as per rule but respondent authority has not comply the order of appellate court till date.

And/or any other appropriate relief(s) to the petitioners for which he may found entitle under the fact and circumstances of the case.”

3. The brief facts which are essential for adjudication of the present case are that one Parmila Devi resigned from the post of Aanganwari Sevika in the Gram Panchayat, Maudah, Chatur, Block-Patepur, District Vaishali, and on account thereof, the vacancy of Aanganwari Sevika arisen. The petitioner



submitted her application for the post of Aanganwari Sevika for Centre No. 45, Ward No. 13, under Gram Panchayat Maudah, Chatur, Block-Patepur, District Vaishali, as well as the respondent no. 11 herein also submitted her application. The merit list was prepared in which the name of the petitioner appeared as serial no. 2 and the name of respondent no. 11 appeared as serial no. 5, however the selection process could not be completed. Vide letter no. 369 dated 01.06.2013, issued under the signature of the CDPO, Patepur, Vaishali, a fresh schedule was published for selection on the vacant post of the Aanganwari Sevika and it was directed that the candidates who had applied earlier, are not required to apply again. Again the merit list was prepared by the selection unit in which the name of the petitioner appeared at serial no. 2 and the name of the respondent no. 11 appeared at serial no. 6. It is the case of the petitioner that before convening the Aam Sabha, the respondent authorities did not follow Rule 8.7 to Rule 8.14 of the guidelines, since the Aam Sabha was not convened in accordance with the guidelines. A complaint was filed by the villagers before the District Programme Officer, however, no action was taken on the same. Subsequently, a complaint was also lodged before the Commissioner, Tirhut Division,



Muzaffarpur. On the said complaint after hearing the parties, the Regional Development Authority, Tirhut Division, Muzaffarpur by memo no. 4149 dated 27.09.2013, held that the Aam Sabha for Ward No. 13 was illegal and directed for initiation of selection process afresh.

4. It is further case of the petitioner that on the basis of the alleged illegal Aam Sabha, the respondent no. 11 herein has been selected and after passing of the order dated 27.09.2013, she was sent for training. Even no compliance report was submitted by the concerned authority i.e., CDPO, Patepur, Vaishali, despite the Regional Development Officer, Tirhut Division, Muzaffarpur writing to the CDPO vide Memo No. 4629 dated 01.11.2013. It is the case of the petitioner that the name of the petitioner appeared at serial no. 2 in the merit list and the name of the respondent 11 appeared at serial no. 4 in the merit list, even then she has not been selected and further despite directions given by the Regional Development Officer, Tirhut Division, Muzaffarpur to convene a fresh Aam Sabha by initiating selection process afresh, no decision has been taken by the respondent authorities.

5. The learned counsel appearing on behalf of the petitioner submits that the respondent no. 11 has been illegally



and wrongfully been selected as Aanganwari Sevika in Aanganwari Centre No. 45, by convening an illegal Aam Sabha, on the day when there was an official holiday and no notice whatsoever was given for the same. He further submits that a complaint was filed before the concerned authority by villagers wherein complaint with regard to convening the Aam Sabha illegally was made and the selection of the respondent no. 11 in the said Aam Sabha was also questioned. Despite complaint, no action was taken by the CDPO Patepur, Vaishali, then a complaint was filed before the Commissioner, who in turn transferred the said complaint to the Regional Development Officer, Tirhut Division, Muzaffarpur, who by his order dated 27.09.2013, declared the Aam Sabha to be illegal and directed for initiation of selection process afresh. He submits that despite directions issued by the Regional Development Officer, Tirhut Division, Muzaffarpur, no action has been taken by the respondent authorities and the respondent no. 11 is continuously discharging her duties as Aanganwari Sevika, pursuant to her selection. He submits that while convening the Aam Sabha, the guidelines issued by the department in this regard was not followed and the illegal Aam Sabha, selected the respondent no. 11, despite the fact that she was lower in the merit list,



compared to the petitioner.

6. Per contra, the learned counsel appearing on behalf of the respondent State, while referring to the counter affidavit filed on behalf of the respondents submits that pursuant to the application submitted by the petitioner, the respondent no. 11 and others submitted application for selection of Aanganwari Sevika for Centre Code No. 45. A merit list was prepared and the selection process through the Gram Sabha of Poshak Kshetra was completed. The petitioner filed a complaint before the Commissioner, Tirhut Division, who transferred the complaint to the Regional Development Officer, Tirhut Division. The concerned officer vide his order dated 27.09.2013, directed for initiation of the selection process afresh. He submits that the Regional Development Officer is not the competent authority to issue any direction in the matter of selection of Aanganwari Sevika/Sahayika.

7. The learned counsel for the State submits that since the respondent no. 11 was selected as Aanganwari Sevika for Centre Code no. 45 in the meeting of the Aam Sabha held on 02.08.2013, there was no occasion for the CDPO, Patepur, to follow the directions given by the Regional Development Officer, Tirhut Division, Muzaffarpur, who is not the competent



officer.

8. The learned counsel appearing on behalf of the State further submits that the mapping register of Centre Code No. 45 does not bear the name of the petitioner or any other family member of the petitioner. The petitioner was absent during the proceeding of the Aam Sabha and since the petitioner was not present on the day, the Aam Sabha was convened and the respondent no. 11, who was present at the time of the Aam Sabha, was selected. The entire selection process was completed in terms of the guidelines issued by the State Government from time to time in this regard.

9. The learned counsel for the State further submits that if the petitioner is aggrieved by the selection of the respondent no. 11, he has got a remedy of filing complaint/petition before the District Programme Officer in terms of the guidelines issued by the department for selection of Aanganwari Sevika/Sahayika, however, in the present case, no such effort has been made by the petitioner. He further submits that since the Regional Development Officer is not the competent authority, therefore, there is no question of implementation of the directions given by him.

10. After having heard the learned counsel for the



parties and going through the records, this Court finds that applications were invited for selection of Aanganwari Sevika for Centre no. 45, wherein both the petitioner and the respondent no. 11 were applicant. An Aam Sabha was convened, wherein, as per the counter affidavit filed on behalf of the respondents herein, the petitioner was not found present, however, the respondent no. 11 was present. Further, as per the mapping register, neither the name of the petitioner appear in the Mapping Panji of centre no. 45 nor the name of her family member appear, therefore, she does not deserve her selection.

11. Further, the counter affidavit was served upon the learned counsel for the petitioner on 18.08.2015, however no denial, by filing a reply has been made by the learned counsel for the petitioner, therefore the averment to the effect made in the counter affidavit have not been denied.

12. Considering the above, this Court is of the considered opinion that there is no illegality in convening the Aam Sabha wherein the Respondent No. 11 has been selected and accordingly the writ petition is dismissed.

(Ritesh Kumar, J)

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