
(2006) 06 PAT CK 0029
In the Patna High Court
Case No : C.W.J.C. No. 6671 of 2005

Anita Kumari

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 21-06-2006

Acts Referred:

Citation : (2006) 3 PLJR 233

Hon'ble Judges : Ramesh Kumar Datta, J

Bench : Single Bench

Advocate : Binay Kumar, for the Appellant; J.C. to G.P.9, for the Respondent

Judgement

Ramesh Kumar Datta, J.—Heard the learned Counsel for the petitioner and the learned J.C. to G.P. 9.

2. The petitioner seeks quashing of the entire selection of Process for the post of Anganbari Sevika, Parsahi (East) Centre No. 3, Mushhari Tola (Goth), Khutauna, Madhubani and further for a direction to the respondents to make selection according to the Government Circular dated 13.6.1998, Annexure-1.

3. The grievance of the petitioner is to pass necessary order for the appointment of the petitioner on the said post of Anganbari Sevika in place of respondent No. 7, Smt Rinku Kumari.

4. The case of the petitioner is that the Aam Sabha was held on 3.1.2004 and the petitioner was selected alongwith the three candidates for the post of Anganbari Sevika. However, subsequently instead of petitioner, respondent No. 7 was appointed on the said post.

5. A counter affidavit has been filed on behalf of respondent No. 2 to 5 wherein it has been stated that several complaints were lodged by the participating candidates including that of the petitioner with regard to the selection of the respondent No. 7 on the post of Anganbari Sevika upon which the S.D.O.Fulparas asked the Child Development Project Officer to conduct an enquiry and after

enquiry it was found that the Aam Sabha held on 3.1.04 has not been properly conducted. It was found that the erstwhile Child Development Project Officer, Khuntauna had manipulated in the proceeding book and in fact during the Aam Sabha the petitioner was selected but subsequently her name was overlooked and respondent, No. 7 was selected and, thus, the C.D.P.O. had wrongly issued an appointment letter against the mandate and decision of the Aam Sabha. It is further stated that it has been found that the Aam Sabha has not been held as per the provision of law. The proceeding register does not bear the signature of any member of selection committee and further the meeting was not presided over by the Mukhiya which is mandatory under the law and, therefore, the authorities decided to quash the entire selection process and refer the matter back to the Aam Sabha for placing the said irregularities before the Aam Sabha and after obtaining its approval proper candidate may be selected. The said procedure has been followed in terms of the guideline issued under the Circular of the State Government vide Memo No. 1698 dated 15.12.03.

6. In view of the aforesaid stand taken by the State authorities the writ petition has become infructuous with respect to the first relief claimed. So far as the selection of respondent No. 7 on the post of Anganbari Sevika is concerned, however, the claim of the petitioner for direction upon the authorities cannot be granted in view of the proceedings of the Aam Sabha having been vitiated by not following the mandatory provision of law.

7. In the aforesaid view of the matter this writ petition is disposed of. The authorities are expected to act in terms of the decision taken for the selection of the concerned Anganbari, Sevika in accordance with law by the Aam Sabha expeditiously.