

C.P.2
4/2/12

In the High Court of Judicature at Patna.

(Civil Writ Jurisdiction)

C.W.J.C.No. _____ of 2012

Madhu KumariPetitioner

Versus

The State of Bihar and others.....Respondents.

Subject:-Selection AnganwariSevika (Non-Gazetted)

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-/o/-

In the High Court of Judicature at Patna.

(Civil Writ Jurisdiction)

C.W.J.C.NO. _____ OF 2012

Madhu KumariPetitioner

Versus

The State of Bihar and others.....Respondents.

-: SYNOPSIS ::

This is an application for direction to the Respondent to make selection of petitioners as Anganwari Sevika after cancelling the appointment of Respondent No.5 as she was illegally appointed.

PARA-3 Petitioner belongs to Schedule Caste.

PARA-4 Petitioner passed Intermediate with 62% marks.

Jan.2011
PARA-5 Advertisement for appointment of Anganwari Sevika was done.

PARA-6 Petitioner applied Respondent No.5 also applied showing Intermediate passed with 58% marks.

PARA.7 Name of petitioner is at Sl.No.1 and name of Respondent No.5 is at Sl.No.2 but same was cancelled.

Jan.2012
PARA-8 Advertisement for appointment of Anganwari Sevika was done. Petitioner as well as Respondent No.5 applied. Respondent No.5 showing Intermediate with 63% marks.

(11)

- 30.1.2012 On the basis of forged certificate Respondent No.5
PARA-9 was appointed as Anganwari Sevika.
- PARA-10 Appointment of Respondent No.5 is illegal.
- PARA-11 Respondent No.5 committed fraud by producing forged
Intermediate marksheet was appointed.
- PARA-12 Husband of petitioner is posted in P.W.D. Respondent.
- PARA-13 Bhainsur of petitioner is posted as Panchayat Sevak.
- PARA-14 As per Niyamavali the wife of Government servant can
not selected as Anganwari Sevika.
- 2.2.2012 Petitioner gave representation but no response.
PARA-16
Annexure-1
- 13.4.2012 Husband of petitioner gave representation but no
PARA-17
Annexure-2 response.

Hence this Writ application.

-/o/-

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BIHAR CIRCLE
COURT
AUTH NO. 3164 DT. 16/12/2008



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In the High Court of Judicature at Patna.

(Civil Writ Jurisdiction)

C.W.J.C.No. _____ of 2012.

In the matter of an
application under Article
226 of the Constitution of
India.

And

In the matter of :-

Madhu Kumari Wife of Mithilesh Kumar Paswan,
Resident of Village-Bajraha Musharahi, Panchayat
Kunjauri, Police Station-Alam Nagar, District-Madhepura

..... Petitioner.

Versus

1. The State of Bihar.
2. Principal Secretary, Social Welfare Department,

3. District Magistrate, Madhepura.

4. Child Development Project Officer, Alamnagar,
District-Madhepura.

5. Sadha Kumari Wife of Laxmi Paswan, resident of
Village-Bajraha Bazar, Police Station-Alamnagar
District-Madhepura.

..... Respondents.

To,

The Hon'ble Ms. Justice Rekha M. Doshit,
the Chief Justice of the High Court of
Judicature at Patna and her Companion
Justices of the said Hon'ble Court.

The humble petition on
behalf of the petitioner
abovenamed;

Most Respectfully Sheweth :-

1. That this is an application for
issuance of an appropriate writ in the nature of

Mandamus direction to the Respondents to make selection of the petitioner as Anganwari Sevika at Anganwari Centre Bajraha Bazar, Mushari, Ward No.5 Centre No. 101 in the District of Madhepura after cancelling the appointment of Respondent No.5 as she was illegally appointed on the post of Anganwari Sevika without following norms and regulation and any other appropriate writ, order direction save and except in accordance with law.

2. That the petitioner is the citizen of India and lives within territorial jurisdiction of this Hon'ble Court.

3. That the petitioner comes from Schedule caste community.

4. That the petitioner passed Matriculation Examination with 62% marks and also passed Intermediate Examination with 60% marks.

5. That in January 2011 there was advertise-
-ment for appointment of Anganwari Sevika at Angan-
wari Centre Bajraha Bazar, Mushari Ward No.5 Centre
No.101 in the District of Madhepura.

6. That the petitioner comes in Poshak
area and she applied for the post of Anganwari
Sevika within time. Respondent No.5 also applied
for the said post showing passed in Intermediate
Exam. with 58% marks.

7. That Selection Committee has prepared
merit list in which petitioner was placed at Serial
No. 1 as she passed highest marks than the Respon-
dent No.5 and the name of Respondent No. 5 was place
at Sl.No.2, but due to unavoidable reason the
selection process of Anganwari Sevika has been
cancelled.

8. That in January 2012 the an advertise-

ment of Anganwari Sevika has been published again and petitioner as well as Respondent No.5 applied for the said post. It is submitted that the Respondent No.5 produced forged and fabricated marksheet of Intermediate showing 63% marks.

9. That on the basis of forged certificate the Respondent No. 5 was appointed as Anganwari Sevika on 30.1.2012 and accordingly she joined on the post of Anganwari Sevika.

10. That the appointment of Respondent No. 5 was done in illegal manner without following the norms and regulation of Niyamavali of Anganwari Sevika.

11. That the Respondent No.5 produced forged and fabricated marksheet of Intermediate Showing 63% marks on 2nd time Appointment but she on 1st occasion produced marksheet of Intermediate showing 58% marks which shows that Respondent No.5 committed fraud in

in taking appointment as Anganwari Sevika.

12. That the husband of the Respondent No.5 namely Laxmi Paswan son of Late Arjun Paswan is Government Servant posted in P.W.D. Department in Chatra District in the State of Jharkhand.

13. That the Bhainsur of Respondent No.5 namely Dayanand Paswan is posted as Panchayat Sevak at Singheshwar Block in the District of Madhepura.

14. That as per Kandika 4.8 and 4.9 of Niyam-avali clearly said that the wife of Government servant can not selected for the post of Anganwari Sevika but in the case of Respondent No.5 the Respondent authority has not followed the circular which is clear violation of Government Circular.

15. That it is submitted that Respondent No.5 has also committed fraud in the year 2007-08.

Respondent No. 5 took benefit of Indira Awas Scheme showing her husband 's name as Vikash Paswan.

16. That the petitioner gave representation dated 2.2.2012 to the Child Development Project Officer, Alamnagar requesting to made proper inquiry and to make her selection as Anganwari Sevika but nothing done.

A true copy of representa-
-tion dated 2.2.2012 is
annexed herewith and marked
as Annexure-'1' to this appli-
cation.

17. That petitioner 's husband namely Mithilesh Kumar Paswan also gave representation dated 13.4.2012 to child Development Project Officer, Alamganj requesting to made proper enquiry and to take step in this connection but no response.

A true copy of the representation dated 13.4.2012 is annexed herewith and marked as Annexure-'2' to this application.

18. That petitioner obtained 60% marks in Intermediate Exam. whereas Respondent No.5 obtained 58% marks in Intermediate Exam. and hence on the basis of highest marks the petitioner is entitled for selection on the post of ^Anganwari Sevika, but Respondent authority has not considered and illegally appointed Respondent No.5.

19. That the petitioner comes in Poshak area whereas Respondent No.5 is out of Poshak area as husband of ^Respondent No.5 is permanent resident of Village-Haris, Police Station-Bihpur, District-Bhagalpur hence there is violation of Niyamavali.

20. That in spite of several request made by the petitioner and her husband in orally and in written, no step has been taken by the Respondent authority regarding proper enquiry and regarding legal appointment.

21. That action of Respondent authority is malafide, arbitrary, unconstitutional and also against the violation of Niyamavali of Anganwari Sevika.

22. That the petitioner has no any other alternative and efficacious remedy other than by way of this application.

23. That the petitioner has not moved earlier before Hon'ble High Court for the reliefs as prayed in Para-1 to this application.

It is, therefore, prayed that your Lordships may graciously be pleased

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to admit shis application, issue
Rule NISI, calling upon the Respon-
dents and after hearing the parties
be pleased to allow this applica-
-tion and to grant reliefs as prayed
in Para-1 to this application.

And/Or

Pass such other order or orders as
your Lordships may deem fit and
proper.

And for this, the petitioner shall ever pray.

AFFIDAVIT.

I, Madhu Kumari, aged about 24 years, Wife of Mithilesh Kumar Paswan, resident of Village-Bajraha Musharahi, Panchayat Kunjauri, Police Station-Alamnagar, District-Madhepura, do hereby solemnly affirm and state as follows:-

1. That I am petitioner in this case and as such am well acquainted with the facts and circumstances of the case.
2. That the contents of this petition have been read over and explained to me in Hindi which I have fully understood the same and the statements of facts made in Paragraph No.2 to 4,6 to 11 and 16 to 21 are true to my knowledge and those made in Paragraph No.5 and 12 to 15 are based upon informations derived from the records of the case which I believe to be true and the rest are by way of submissions to this Hon'ble Court.
3. That the Annexures are true/photostat copies of their respective originals.

मधु कुमारी

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सेवा में,

श्रीमान वाल विकास परियोजना पदाधिकारी महोदय
आलम नगर ।

विषय- सेविका के चयन पर आपत्त के संबंधमें।

महाशय,

सर्वोच्च न्याय निवेदनहीक कजराह बजार मुशाहरी वार्ड नं० 05

केन्द्र संख्या 10। अग्नि वाली केन्द्र पर सेविका पद पर नियुक्ति हेतु आवेदन
रिखा गया है जो सत्य से परे है।

॥१॥ रीणा देवी पति- पतनारायण पासवान व सुधा कुमारी पति लक्ष्मी
पासवान ये दोनों आवेदिका के पति एवं भौसुर मधुपुरा जिला अन्तर्गत सरकारी
सेवा से पद स्थापित है। इन दोनों के आवेदनको रद्द करने की कृपाकी जाय।
और अ गुंजन कुमारी पति तपेश्वर सिंह ये हमारे पोषाक क्षेत्र से नये परीशाम न
में कर कर मीनी पोषाक क्षेत्र में चला गया है। इनके आवेदन को भी रद्द करने
की कृपाकी जाय और मधु कुमारी पति मिथालेश कुमार पासवान इसी
पोषाक क्षेत्र के हेजो दलित परिवार के शिक्षित इन्टर पास है को चयन करने
की कृपाकी जाय।

इसलिए महानुभाव से सादर निवेदनहीक उपरोक्त बातों पर ध्यान
देते हुए सही जांच कर चयन करने की कृपाकी जाय।

यह आवेदी सत्य है।

आपका विश्वासभाजन

ह/ - अरुणा दास

मधु कुमारी

॥ मुहर ॥

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सेवामें,

श्रीमान बाल विकास परियोजना पदाधिकारी महोदय,

आलम नगर ।

विषय- आगिन वाडी सेविका के चयन में आपति एवं इंदिरा
आवास की राशि गलत ढंग से उठाने के संबंध में।

महाशय,

सविनय निवेदन है कि मैं मिथिलेश कुमार पासवान

पिता श्री फोदारी पासवान ग्राम बजराहा बाजार वार्ड 5 पंचायत ब्लॉक
अंची आलमनगर जिला मधोपुरा का स्थायी निवासी हूँ।

वार्ड नं० 5 में आगिनवाडी केन्द्र संख्या 101 पर " सुधा कुमारी
पति लक्ष्मी पासवान ग्राम बजराहा बाजार आलमनगर मधोपुरा का
निवासी का चयन किया गया है। जो कि सेविका का पति लक्ष्मी पासवान
कतल चतरा १ शाखांड १ में पी० डब्लू० डी० विभाग में नोकरी
करता है तथा भौसूर दयानन्द पासवान मधोपुरा जिला के सिहेशवर प्रखंड
में पंचायत सेवक के रूपमें कार्यरत है।

साधा ही साधा हलस सकवणी गि चयन हियाबयणीक
अधांत सुधा देवी वर्ण 2007 /2008 में विकास पासवानकी पत्नी बनक
इन्दिरा आवासका पैसा उठाव किया है। जिसका परीक्षा सूची 2007
में क्रमांक 32 पहचान संख्या 3529 लाभार्थी सीरता देवी उर्फ सुधा

सुधा देवी पीत विकास पासवान वे० स्व० अर्जुन पासवान के पत्नी बन कर इन्दिरा आवास का लाभ उठाया जबकि विकास पासवान पिता स्व० अर्जुन पासवान का अभी तक शादी नहीं हुआ है। जिसका योजना संख्या 1462 है।

तीसरी बात यह है कि जिस सेविका का चयन किया गया है उस सेविका का इससे पूर्वक अलग आम सभा की बैठक में मात्र 58 प्रतिशत अंक था। लेकिन इस बार की आम सभामें उसी चयन्युक्त सेविका का चयन 63 प्रतिशत दिखाया जा रहा है।

अतः श्रीमान से निवेदन है कि इस बात की पूर्ण जानकारी होते हुए ही इस सेविका का चयन करें।

ह०/- अस्पष्ट

13.4.12

यह आवेदन सत्य है।

अरुण दास

वाह सदस्य

वा. नं० -5

आपका विश्वासभाजन

ह०/- अस्पष्ट