

CP. 2  
2/11/12

In the High Court of Judicature at Patna.

(Miscellaneous Judicial Jurisdiction)

M.J.C.No. \_\_\_\_\_ of 2012.

(Arising out of C.W.J.C.No.11708 of 2012 disposed  
of on 10.07.2012).

Madhu Kumari .....Petitioner

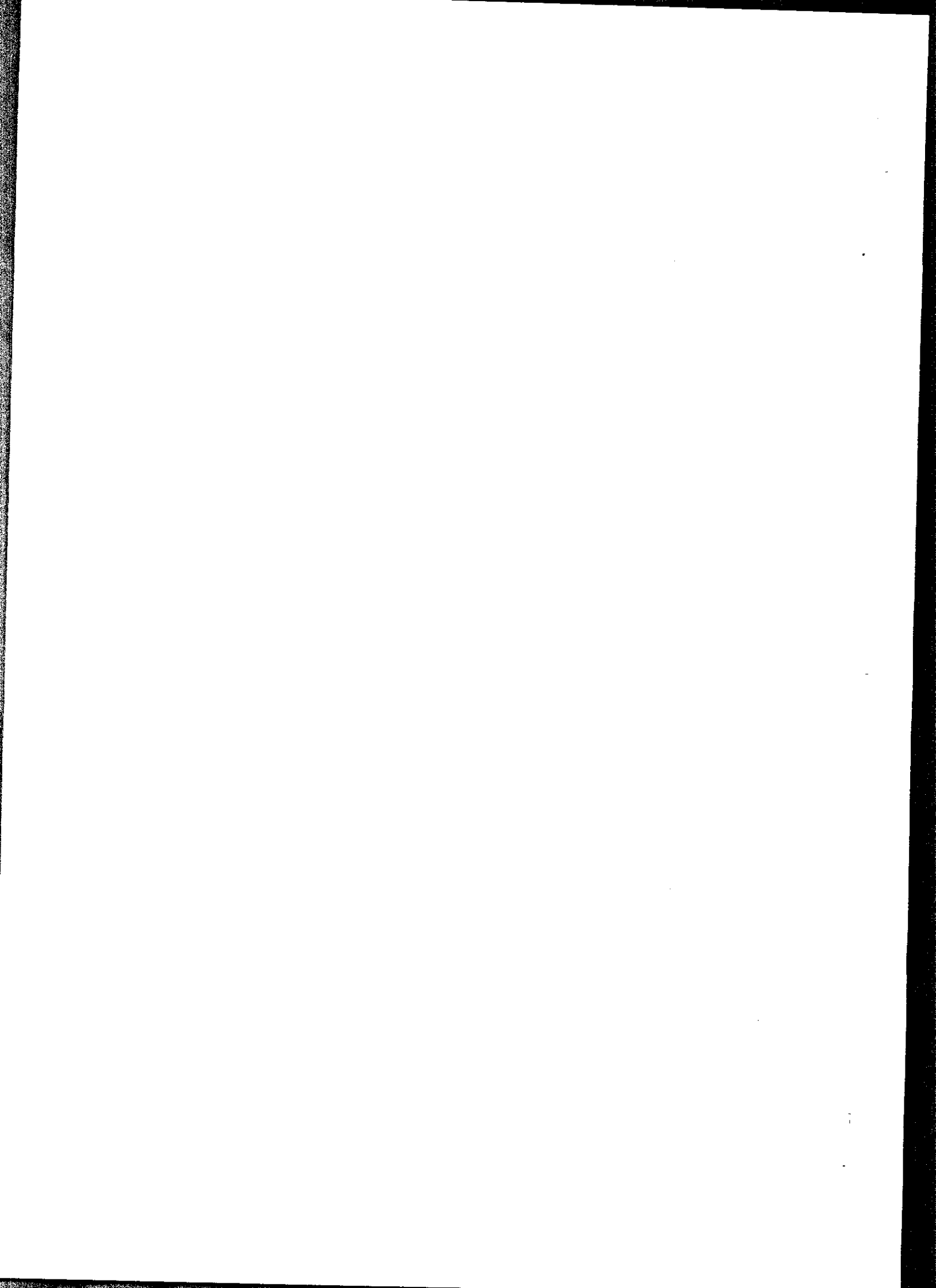
Versus

The State of Bihar and others.....Opposite Parties

Subject:-Contempt Matter.

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DEPARTMENT OF POST  
BIHAR CIRCLE

COURT FEE

AUTH NO. 3MUDAR-PRADEH-2320067400

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In the High Court of Judicature at Patna.

(Miscellaneous Judicial Jurisdiction)

M.J.C.No. \_\_\_\_\_ of 2012.

(Arising out of C.W.J.C.No.11708 of 2012 disposed of  
on 10.7.2012)

In the matter of an  
application under Article  
215 of the Constitution of  
India read with 10 of the Court  
of contempt Act.

And

In the matter of :-

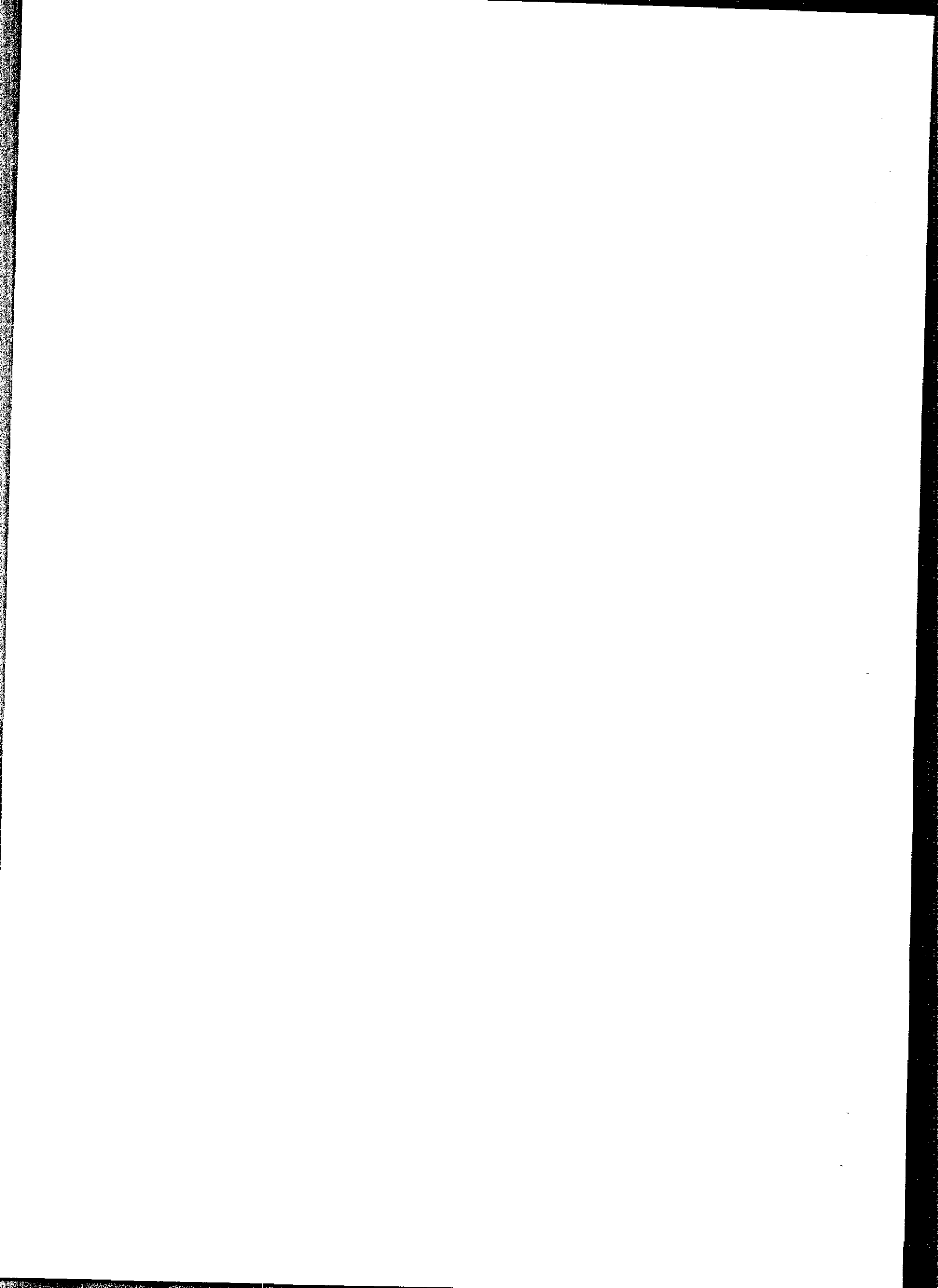
Madhu Kumari Wife of Mithilesh Kumar Paswan,

Resident of Village-Bajraha Musharahi, Panchayat-Kunjauri

Police Station-Alam Nagar, District-Madhepura.

..... Petitioner.

Versus



1. The State of Bihar.

2. District Magistrate, Madhepura.

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

4. Sudha Kumari Wife of Laxmi Paswan, Resident of  
Village-Bajraha Bazar, Police Station-Alamnagar,  
District-Madhepura.

.....Opposite Parties.

To,

The Hon'ble Ms. Justice Rekha M. Doshit,

the Chief Justice of the High Court of

Judicature at Patna and her Companion

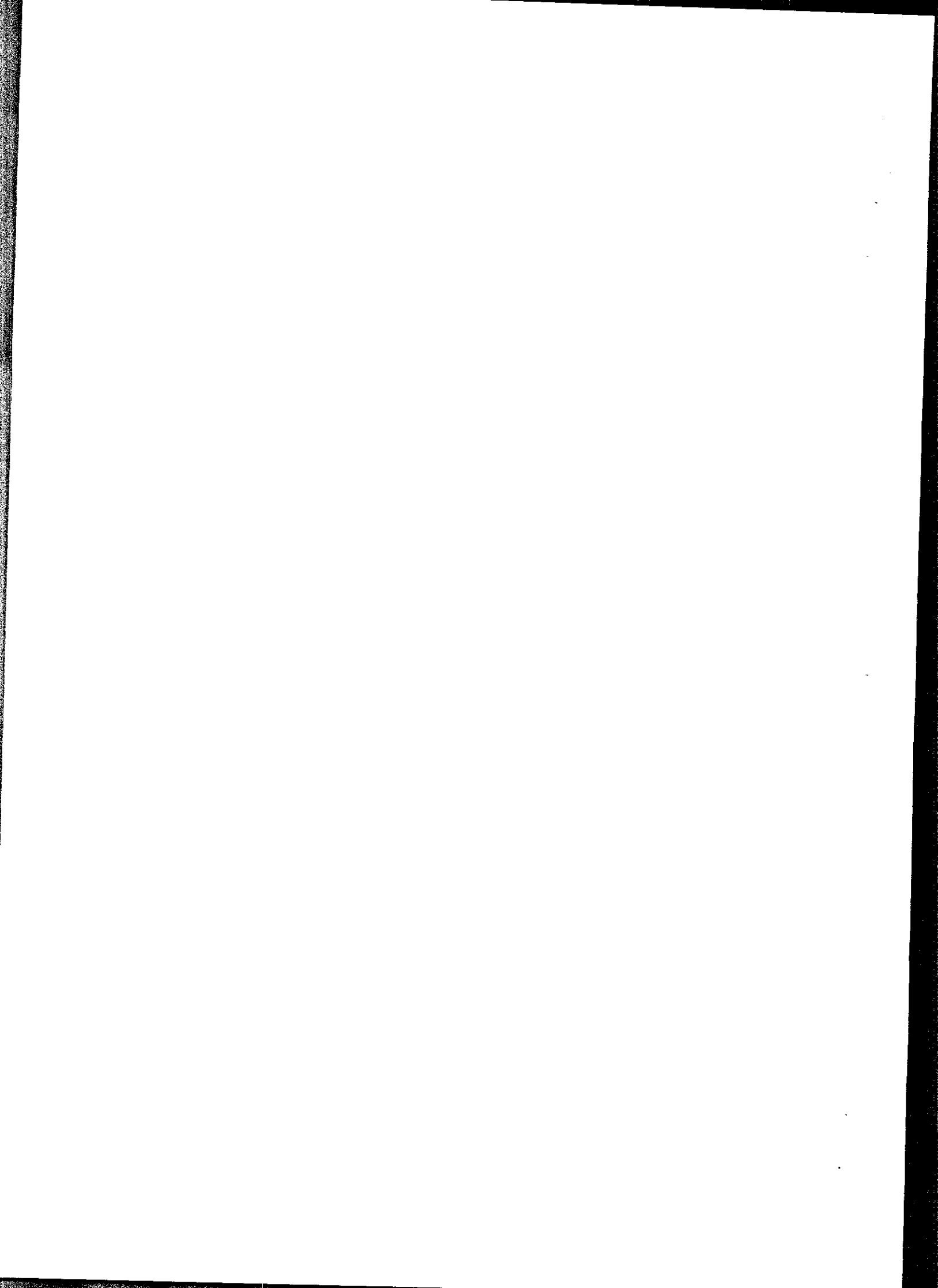
Justices of the said Hon'ble Court.

The humble petition on

behalf of the petitioner

abovenamed

Most Respectfully Sheweth :-



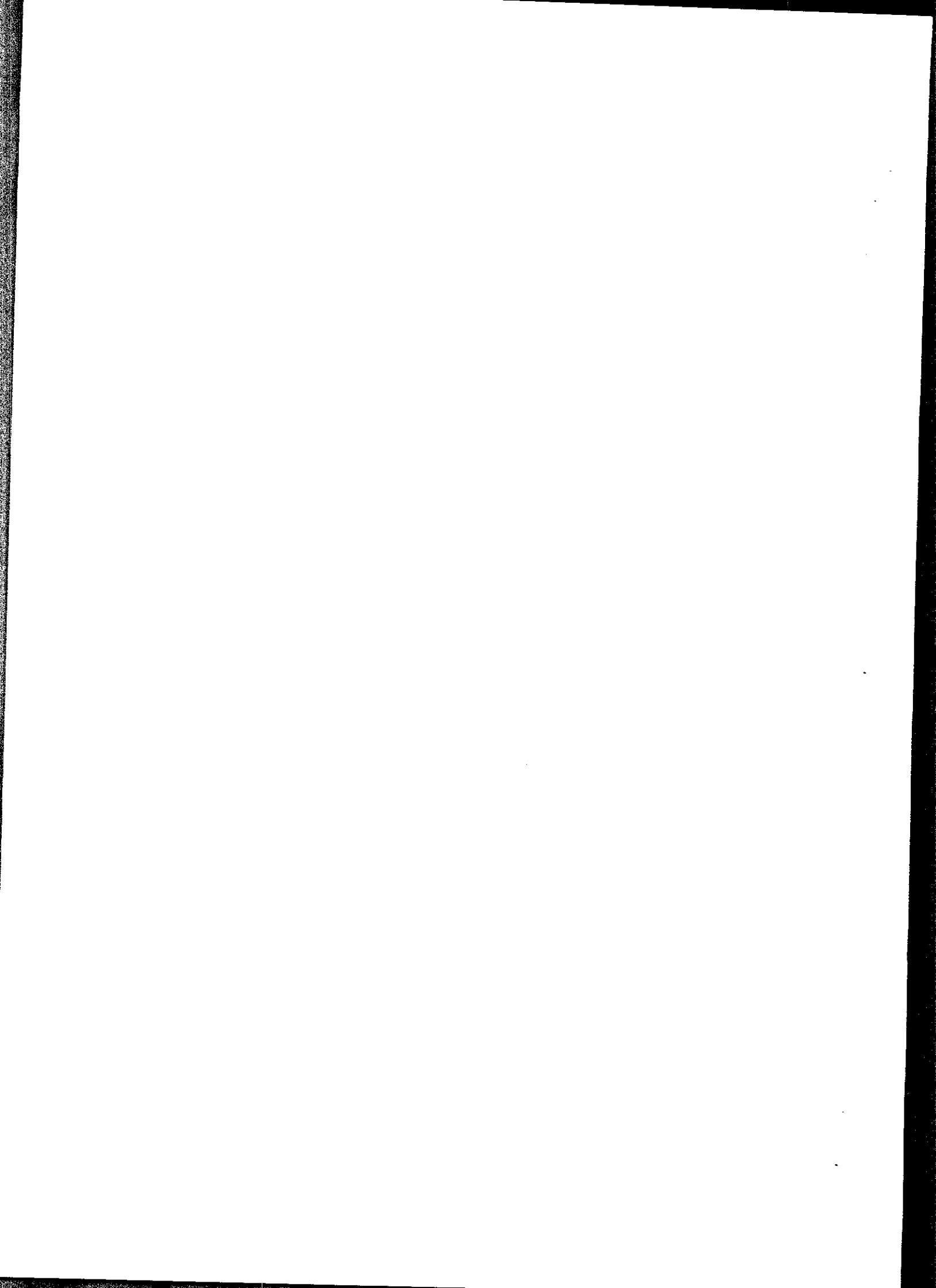
1. That this is an application for initiating contempt proceeding against Opposite Parties for non compliance of order dated 10.7.2012 passed by Hon' ble Mr. Justice Chakradhari Sharan Singh in C.W.J.C. No.11708 of 2012.

A true copy of order dated 10.7.2012 passed in C.W.J.C. No.11708 of 2012 is annexed herewith and marked as Annexure-' 1' to this application.

2. That the petitioner comes from Schedule Caste community.

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

4. That in January 2011 there was advertise-



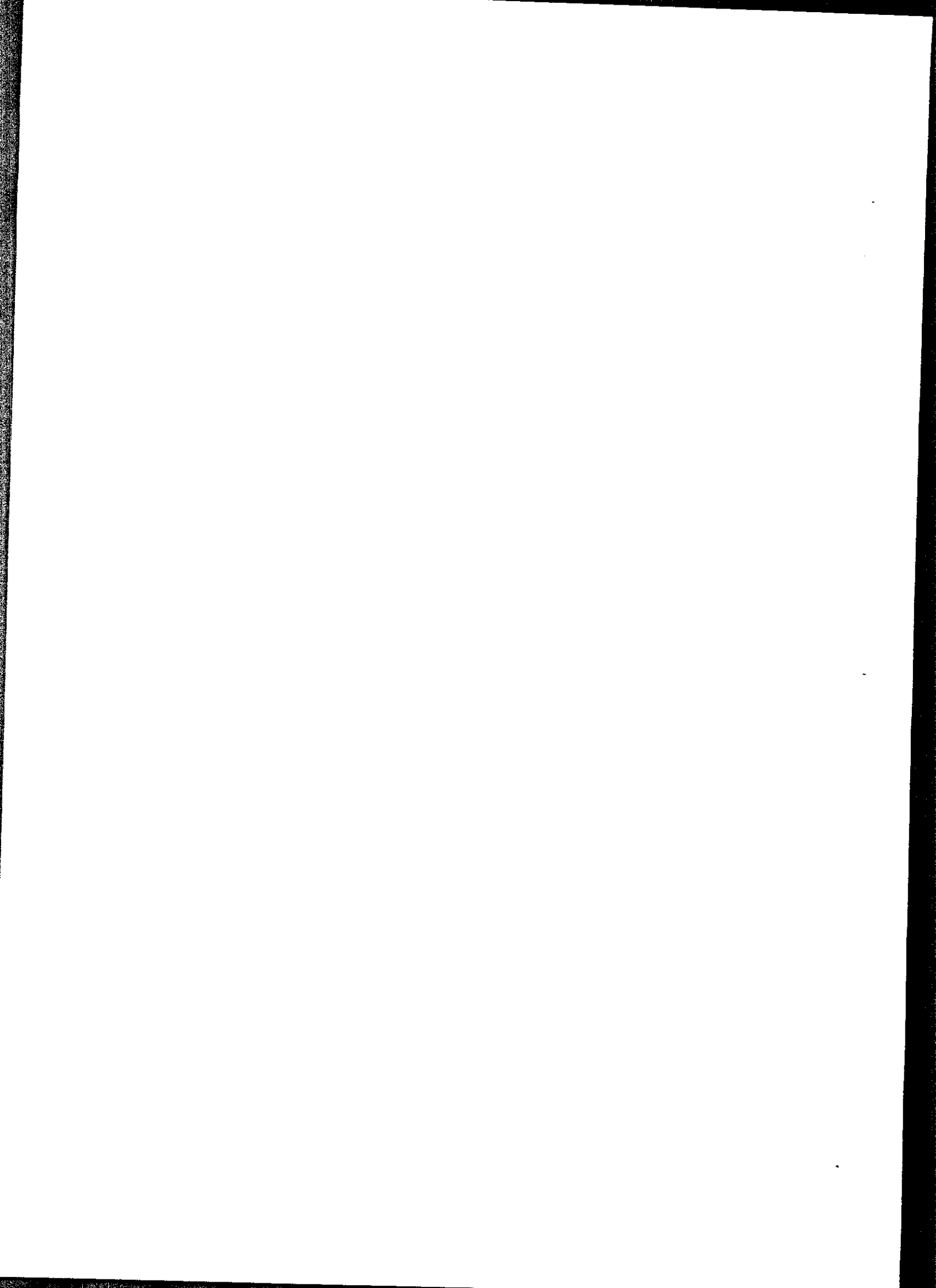


-ment for appointment of Anganwari Sevika at Anganwari Centre Bajraha Bazar, Mushari Ward No.5 Centre No.101 in the District of Madhepura.

5. That the petitioner comes in Poshak area and she applied for the post of Anganwari Sevika within time. Opposite Party No. 4 also applied for the said post showing passed in Intermediate Examination with 58% marks.

6. That Selection Committee was prepared merit list in which petitioner was placed at Serial No. 1 as she passed highest marks than the Opposite Party No. 4 and the name of Opposite Party No.4 was placed at Sl.No. 2, but due to unavoidable reason the Selection process of Anganwari Sevika has been cancelled.

7. That in January 2012 the an advertisement of Anganwari Sevika has been published again

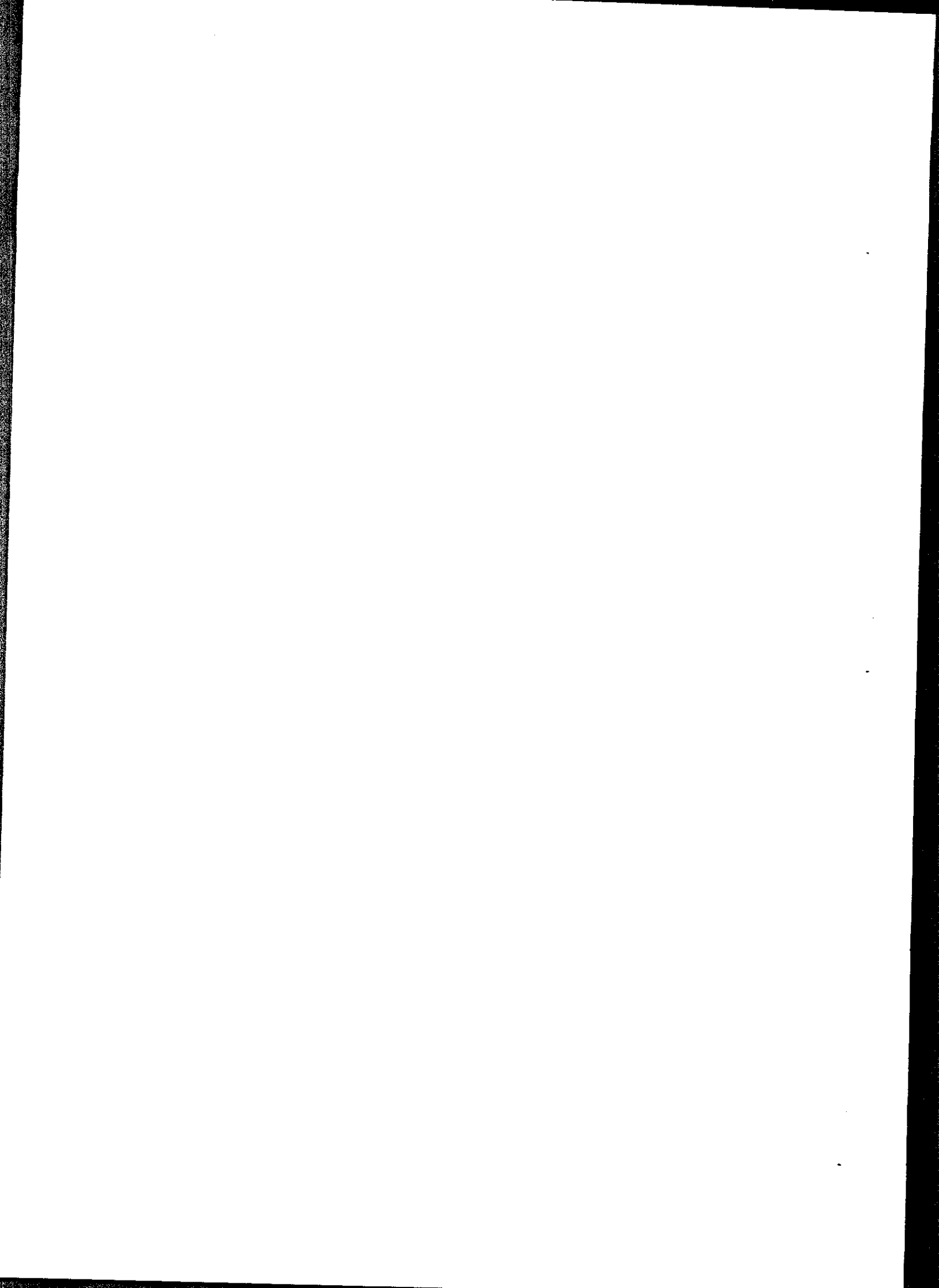


and petitioner as well as Opposite Party No.4 applied for the said post. It is submitted that the Opposite Party No.4 produced forged and fabricated marksheet of Intermediate showing 63% marks.

8. That on the basis of forged certificate the Opposite Party No. 4 was appointed as Anganwari Sevika on 30.1.2012 and accordingly she joined on the post of Anganwari Sevika.

9. That the appointment of Opposite Party No. 4 was done in illegal manner without following the norms and regulation of Niyamavali of Anganwari Sevika.

10. That the Opposite Party No. 4 produced forged and fabricated marksheet of Intermediate showing 65% marks on 2nd time appointment but she on 1st occasion produced mark sheet of Intermediate showing 58% marks which shows that Opposite Party No. 4 committed fraud in



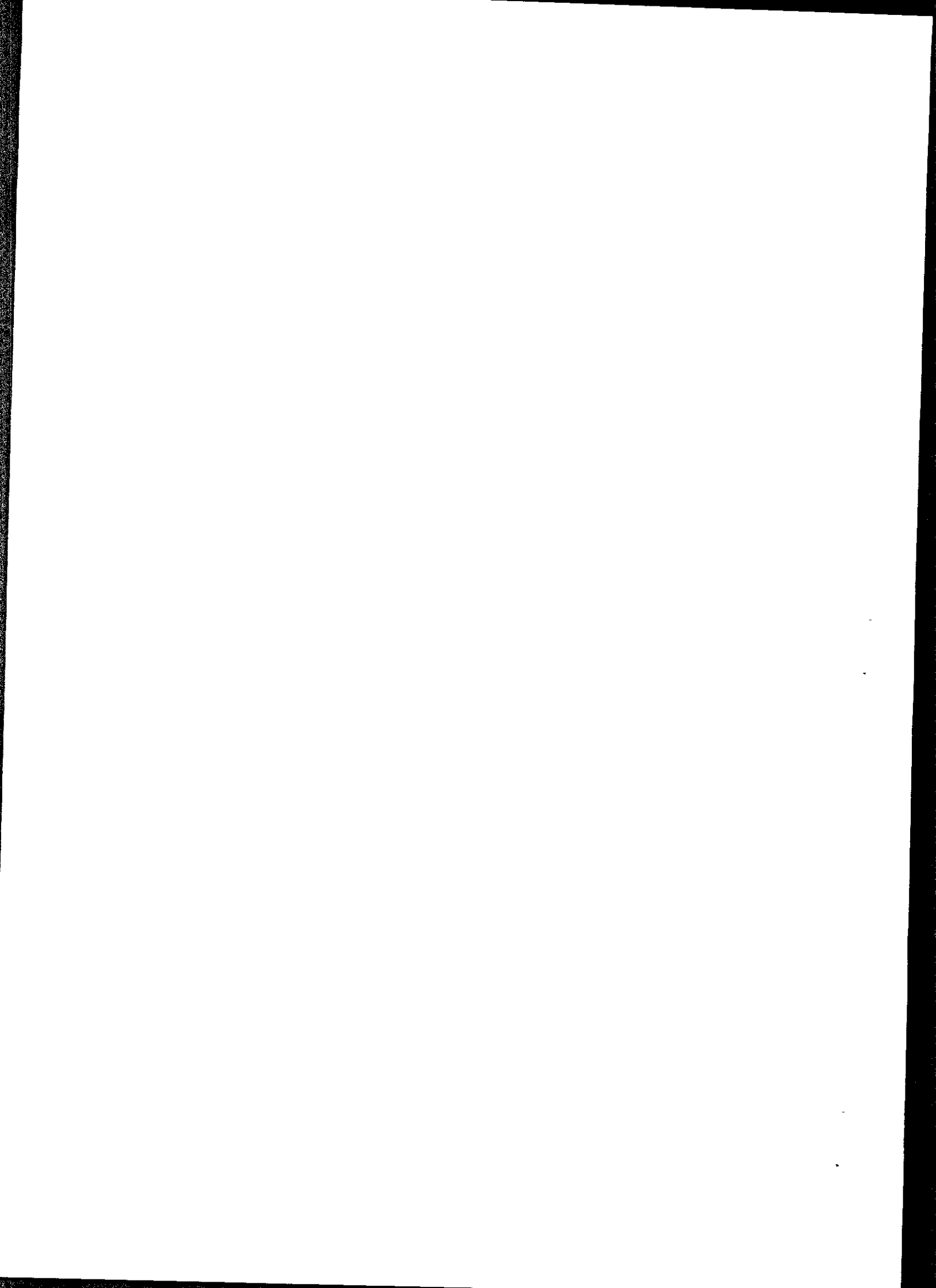
in taking appointment as Anganwari Sevika.

11. That the husband of the Opposite Party No. 4 namely Laxmi Paswan son of Late Arun Paswan is Government Servant posted in P.W.D. Department in Chatra District in the State of Jharkhand.

12. That the Bhainsur of Opposite Party No. 4 namely Dayanand Paswan is posted as Panchayat Sevak at Singheshwar Block in the District of Madhepura.

13. 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 Opposite Party No.4 the Respondent authority has not followed the circular which is clear violation of Government circular.

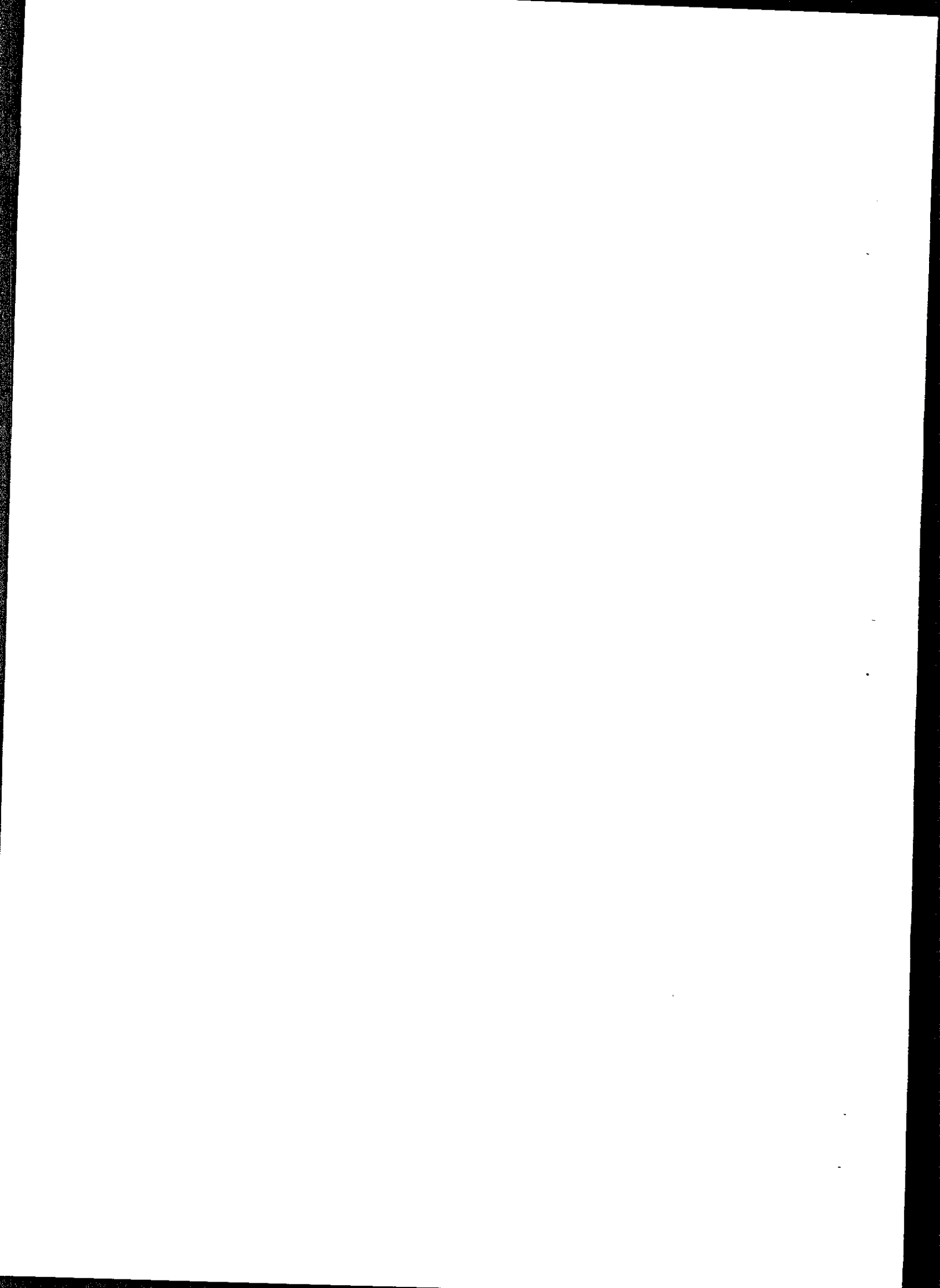
14. That it is submitted that Opposite Party No.4 has also committed fraud in the year 2007-08, Opposite Party No.4 took benefit of Indira Awas Scheme showing her husband's name as Vikash Paswan.



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

A true copy of representation dated 2.2.2012 is annexed herewith and marked as Annexure- '2' to this application.

16. That the petitioner obtained 60% marks in Intermediate Examination whereas Opposite Party No. 4 obtained 58% marks in Intermediate Examination and hence on the basis of highest marks the petitioner is entitled for selection on the post of Anganwari Sevika but authority has not considered and illegally appointed Respondent No.5.



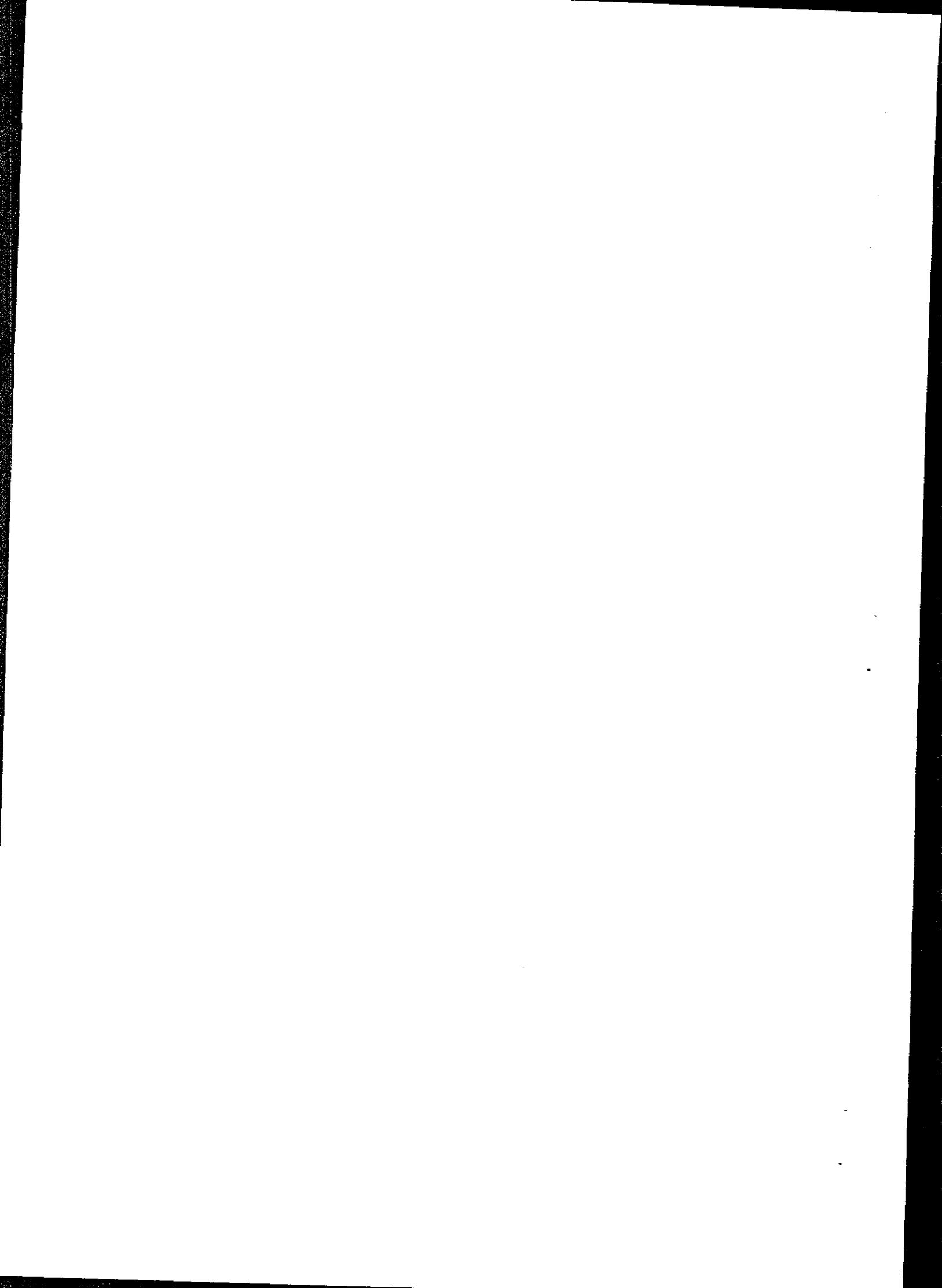


17. That the petitioner comes in Poshak area whereas Opposite Party No.4 is out of Poshak area as husband of Opposite Party No.4 is permanent resident of Village-Haris, Police Station- Bihpur, District-Bhagalpur hence there is violation of Niyamaval:

18. 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 authority concerned regarding proper enquiry and regarding legal appointment.

19. That the petitioner filed C.W.J.C.No. 11708 of 2012 before Hon'ble High Court in which Hon'ble Court vide order dated 10.7.2012 disposed of the writ application with liberty to the petitioner to approach before District Magistrate, Madhepura who shall consider the same expeditiously in accordance with law.

20. That the petitioner filed representation before District Magistrate, Madhepura requesting to



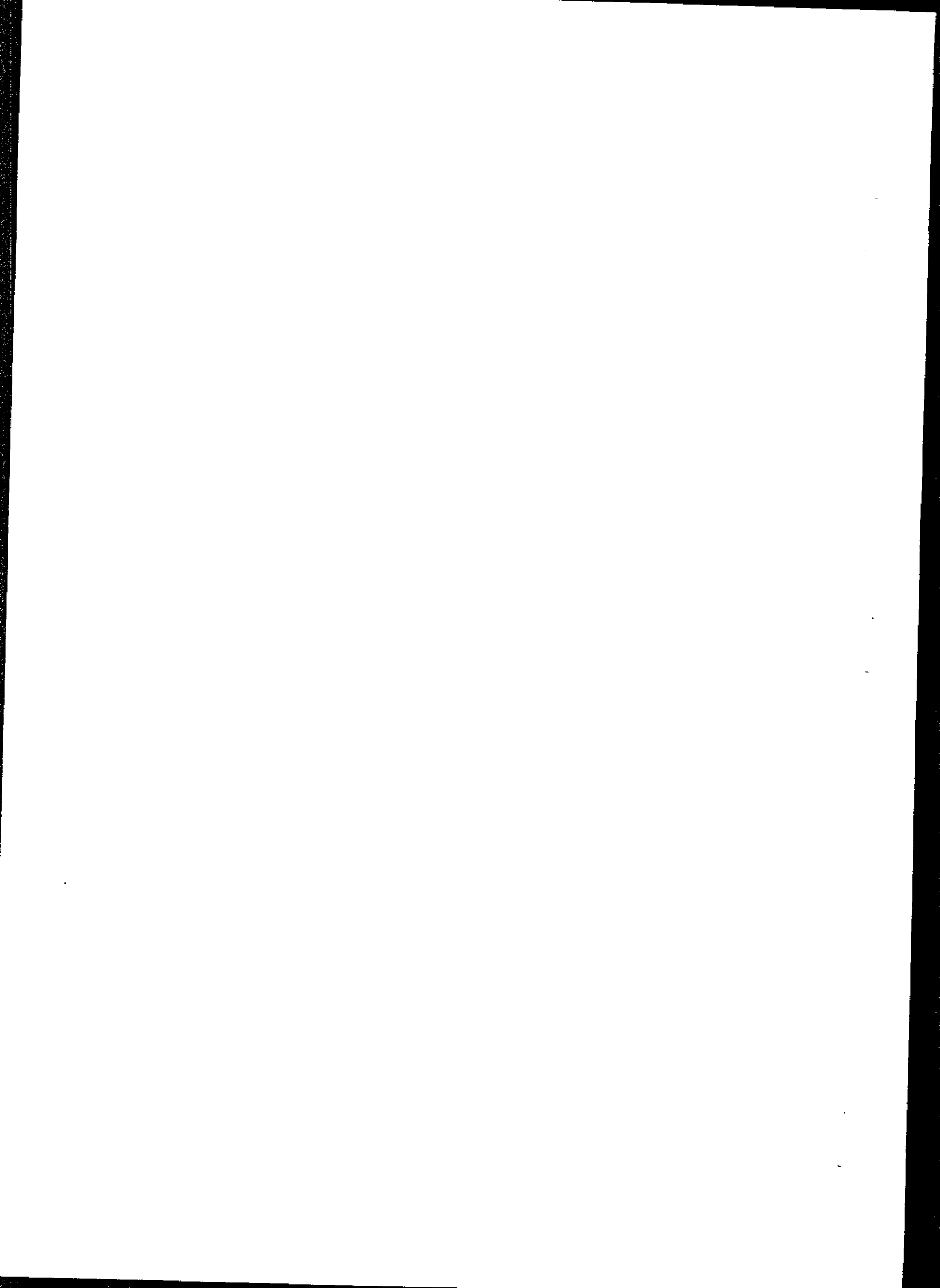
consider her grievance in the light of Hon'ble High Court direction but till date no step has been taken.

A true copy of the representation dated 13.8.2012 is annexed herewith and marked as Annexure-' 3' to this application.

21. That the petitioner gave legal notice to District Magistrate, Madhepura for considering the grievance of petitioner but District Magistrate did not take any step.

22. That in spite of Hon'ble High Court direction the District Magistrate, Madhepura did not take any step nor passed any speaking order hence there is violation of Hon'ble High Court direction.

23. That in the aforesaid circumstances a



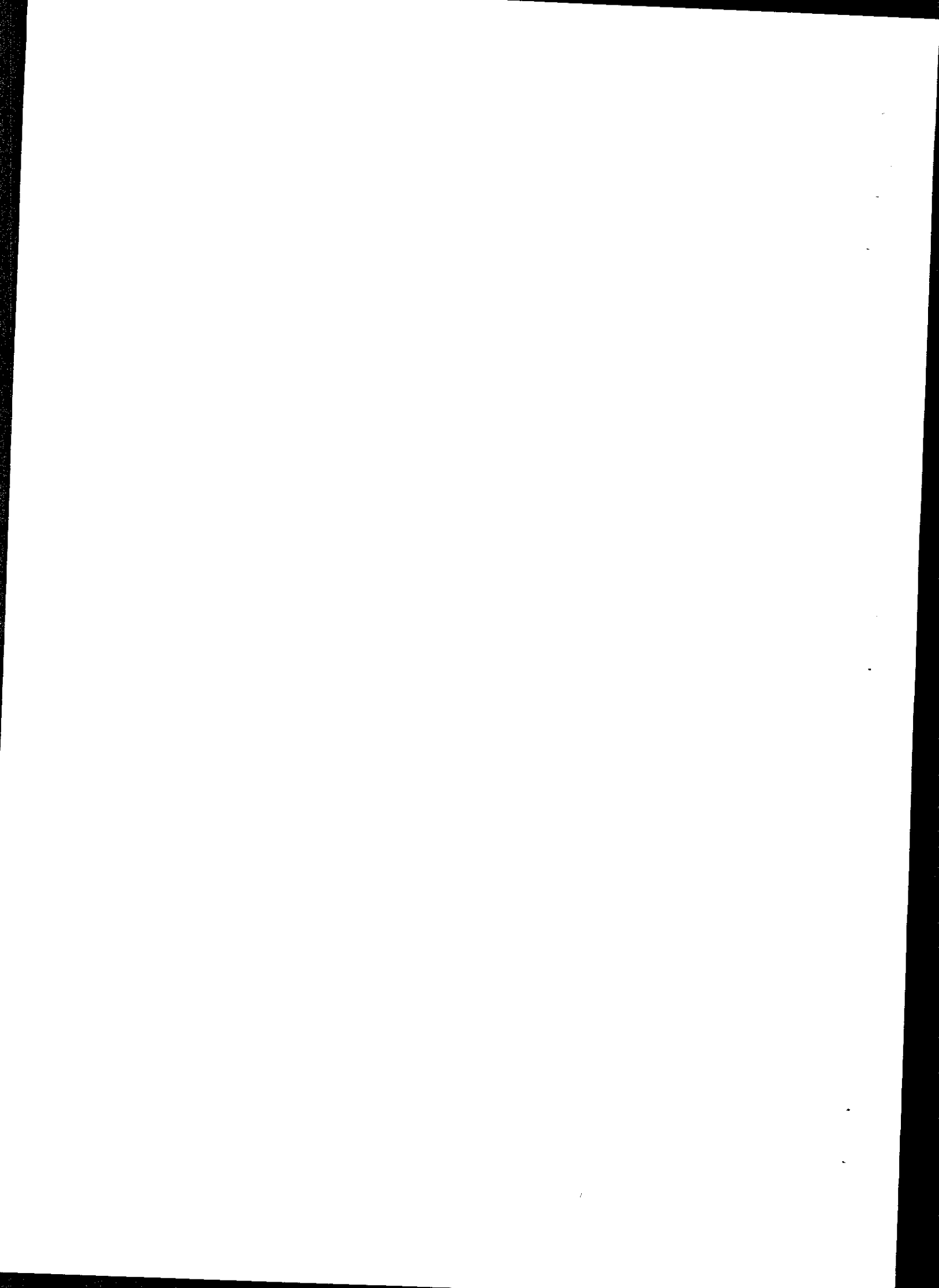
contempt proceeding may be initiated against  
Opposite Party concerned for non compliance of Hon'ble  
High Court direction.

It is, therefore, prayed that your  
Lordships may graciously be pleased to  
admit this application, issue Notice to  
Opposite parties and after hearing the  
parties be pleased to initiate contempt  
proceeding against Opposite Parties and  
to punish them for non compliance of  
Hon'ble High Court direction.

And/Or

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

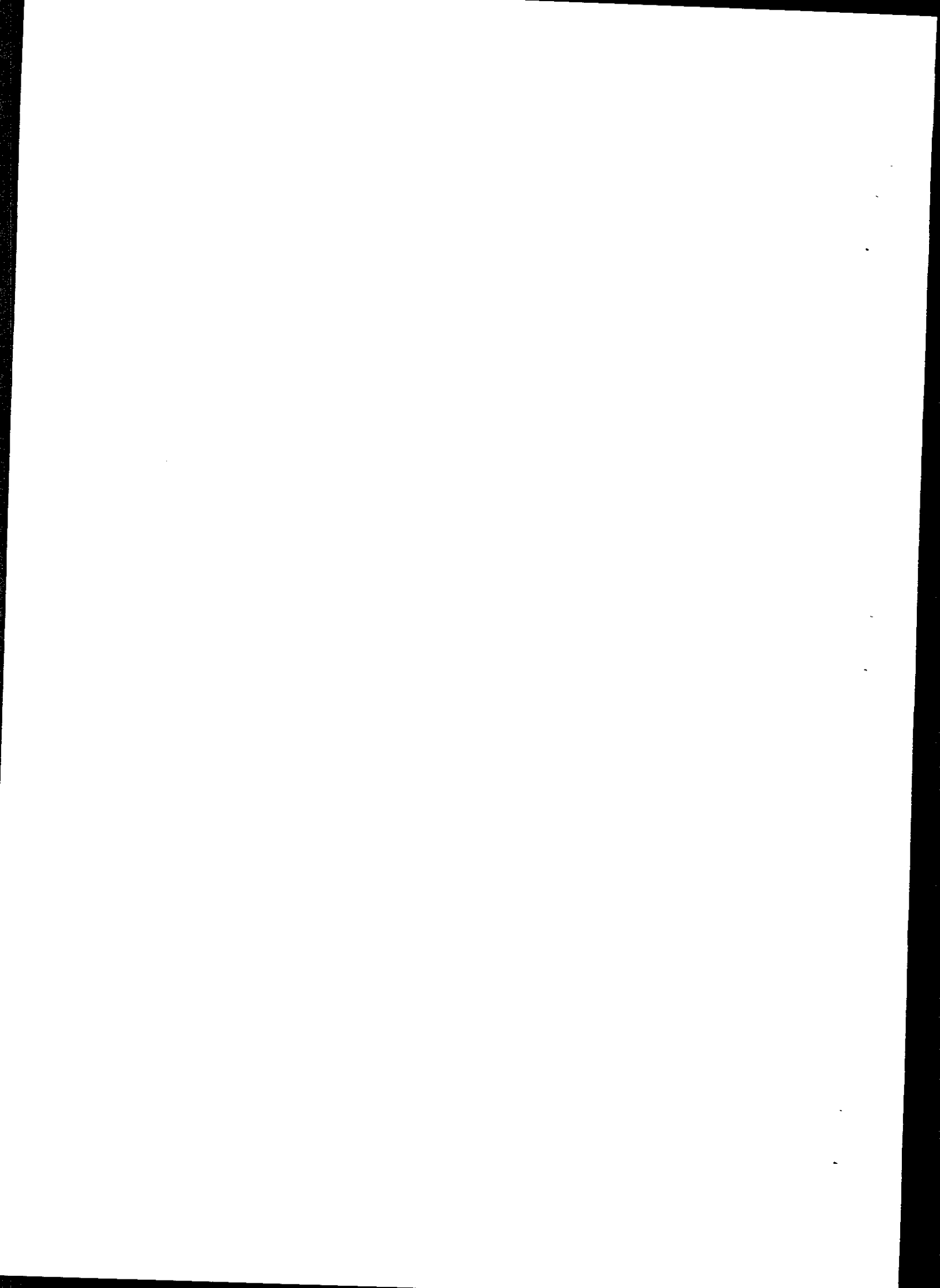
And for this, the petitioner shall ever pray.



AFFIDAVIT.

I, Madhu Kumari, aged about 24 years, Wife of Mithilesh Kumar Paswan, Resident of Village-Bajraha Musharahi, Panchayat Kunjauri, Police Station-Alam Nagar, 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 therein are true to my knowledge and belief.
3. That the Annexures are true/photostat copies of their respective originals.





**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
Civil Writ Jurisdiction Case No.11708 of 2012

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

..... Petitioner/s

Versus

1. The State Of Bihar
2. Principal Secretary, Social Welfare Department, Government Of Bihar,  
Patna
3. District Magistrate, Madhepura
4. Child Development Project Officer, Alamnagar, District - Madhepura
5. Sudha Kumari Wife Of Laxmi Paswan Resident Of Village - Bajraha  
Bazar, Police Station - Alamnagar, District - Madhepura

..... Respondent/s

**Appearance :**

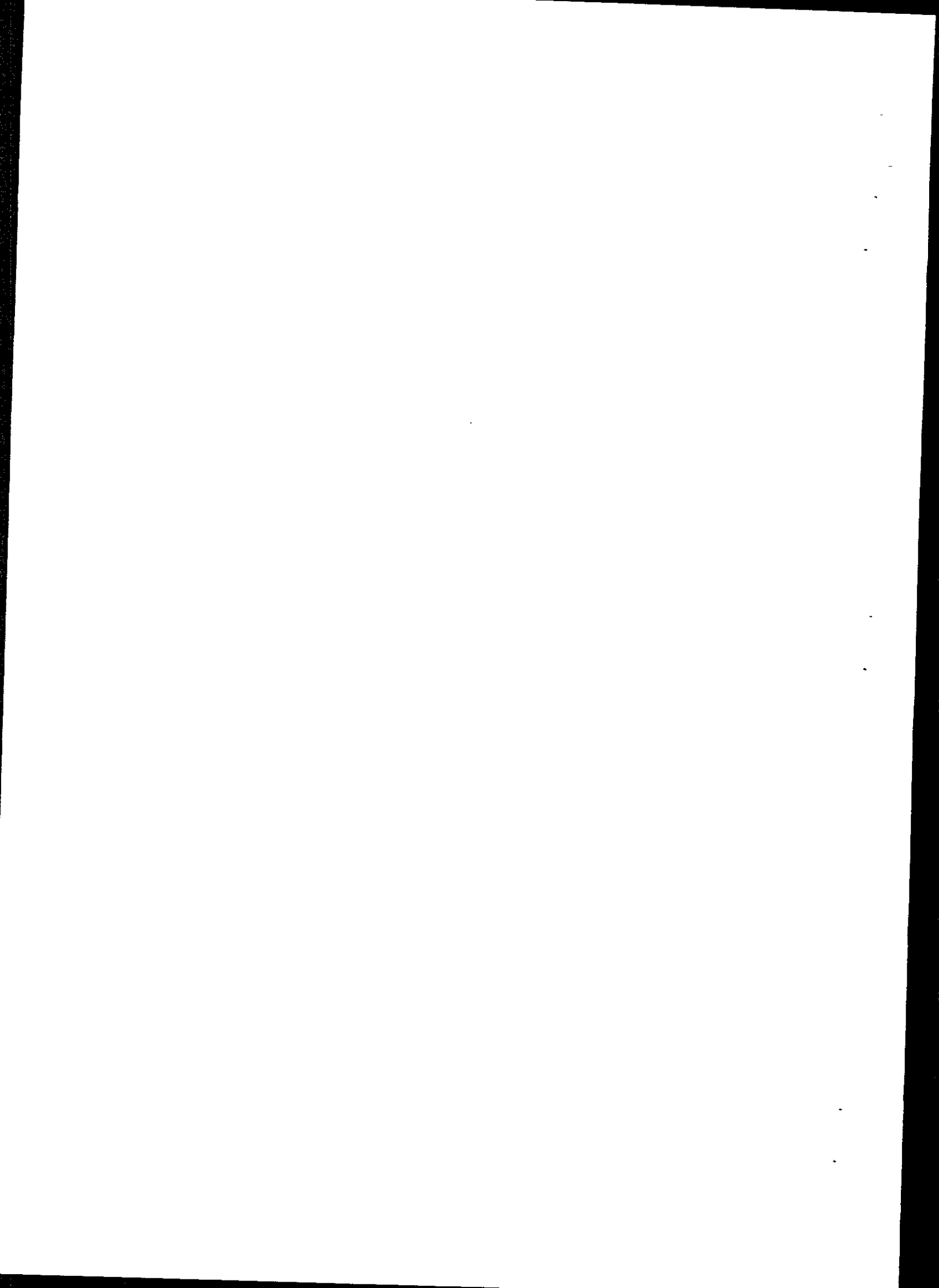
For the Petitioner/s : Mr. Uday Chand Prasad  
For the Respondent/s : Mr. Krishna Kumar Singh, AC to GP-2

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI**  
**SHARAN SINGH**  
**ORAL ORDER**

2 10-07-2012 Heard Mr. Uday Chand Prasad, learned counsel for the  
petitioner and Mr. Krishna Kumar Singh, AC to GP-2 for the  
State.

This application has been filed for issuance of a  
direction to the respondents to cancel the appointment of  
Respondent no.5 as Anganwari Sevika at Anganwari Centre  
Bajraha Bazar, Mushari, Ward No.5, centre No. 101 in the District  
of Madhepura and appoint the petitioner in her place.

It has been alleged in the writ application that private  
Respondent no.5 obtained appointment on the basis of forged and



fabricated documents.

After some argument, learned counsel for the petitioner seeks permission to withdraw this application, reasoning that there is a provision under the guidelines issued by the Social Welfare Department, Government of Bihar, dealing with the action to be taken if irregularities are alleged in the process of selection of Anganwari Sevika. He seeks liberty from this Court to approach the District Magistrate, Madhepura for the redressal of his grievance.

This writ application is permitted to be withdrawn with a liberty to the petitioner to approach the District Magistrate, Madhepura ( Respondent no.3) by filing a detailed representation.

It is expected that such representation if filed within two weeks from today, the same shall be considered expeditiously in accordance with law.

*Sd/-*

(Chakradhari Sharan Singh, J)

Arun Kumar/-

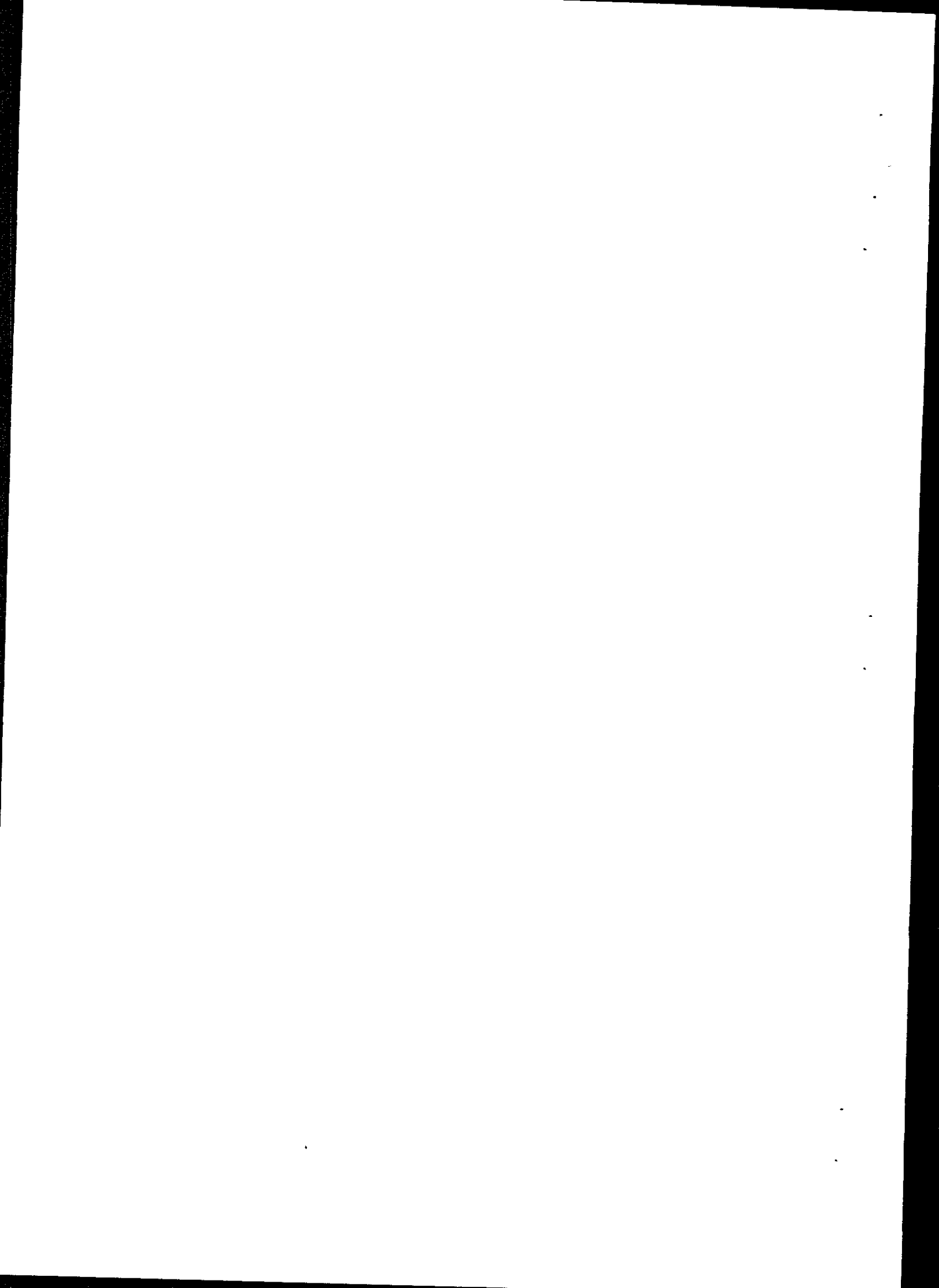
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*13.7.2012*  
For Joint Registrar (J)  
Patna High Court

authoised W/S 76 Art 1 of 1977

*M.R.*  
*13/7/2012*

*22/8/19/28*



अभिलेख पर- 2

सेवा में,

श्रीमान आलम पिछास पी सौजन्या पदाधिकारी महोदय

आलम नगर ।

विषय- सेवा के वन पर आपत्ति के संबंध में।

महाराज,

सिवन्य न्यु निवेदनहीक, धराराह बजार मुगाहरी धार्म नं० ०६

केन्द्र संख्या 10। अगिन धाणी केन्द्र पर शैवका पद पर नियुक्ति हेतु आपेदन  
वि या आहें जो सत्य से परे है।

१। रीणा देवी पति- पतनारायण पासवान व सुधा कुमारी पति लक्ष्मी  
पासवान ये दोनों आपेदका के पति एवं मोसुर मधुपुरा जिला अन्तर्गत सरकारी  
सेवा से पद स्थापित है। इन दोनों के आपेदनको रद्द करने की कृपाकी जाय।

और २ गुंजन कुमारी पति तयेंवर सिंह ये हमारे पोषक क्षेत्र से नये परिशिष्ट व  
में कर कर मीनी पोषक क्षेत्र में फा गया है। इनके आपेदन को भी रद्द करने  
की कृपाकी जाय और मधु कुमारी पति मिथालेश कुमार पासवान इसी  
पोषक क्षेत्र के हेजो दलित परिवार के शिक्षित इन्टर पास है जो ध्यान करने  
की कृपाकी जाय।

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

यह आपेदी सत्य है।

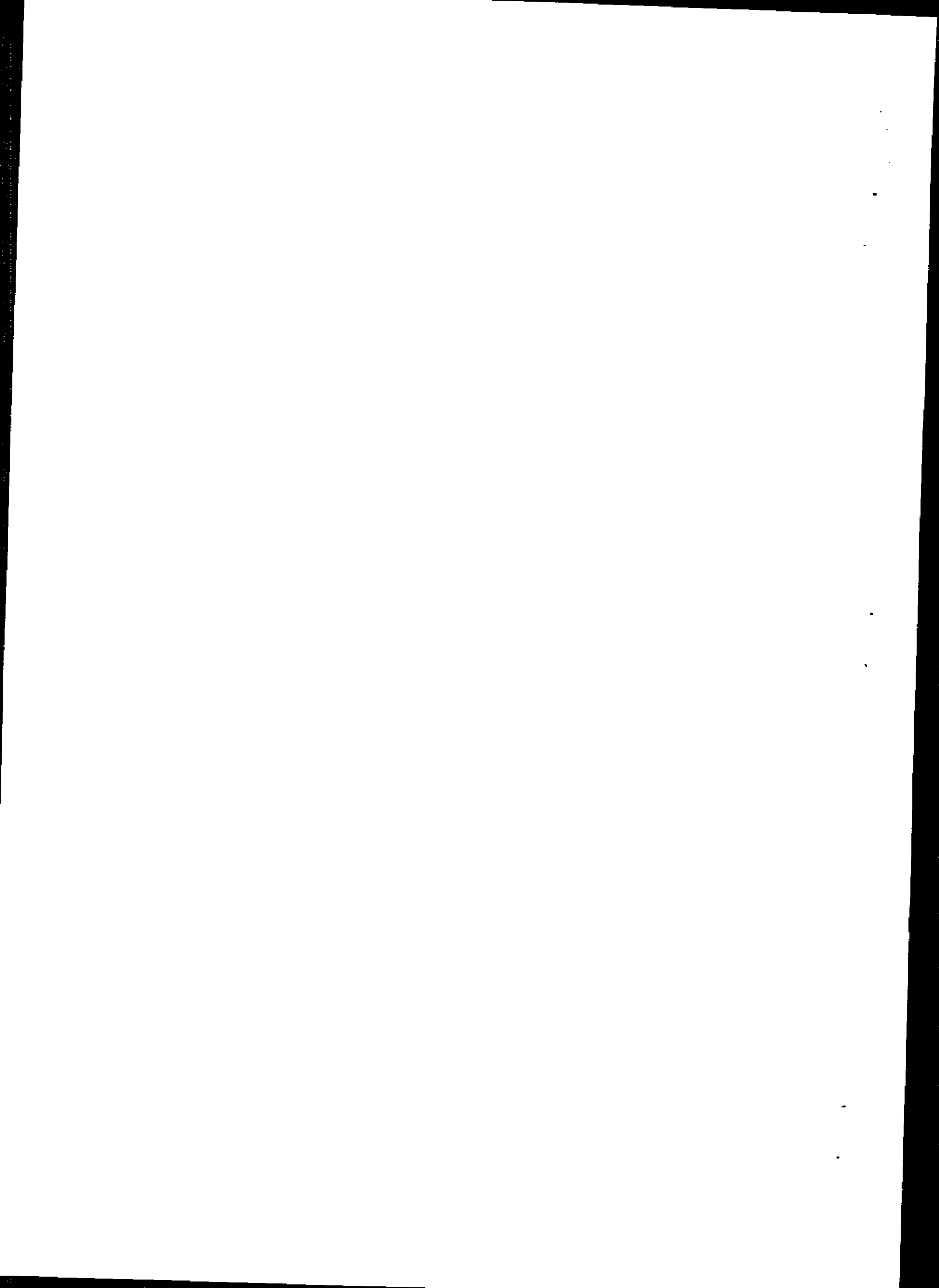
ह/ - अरुण दास

मुहर !

आपका विश्वासभाजन

मधु कुमारी

2.2.12



सेवा में,

बीमान जिला पदाधिकारी महोदय

मधोपुरा

विषय:- माननीय पटना उच्च न्यायालय में रिट याचिका सी० डी० ११७०८/१२ के ० सी० डी०

११७०८/१२ मधु कुमारी बनाम बिहार सरकार एवं अन्य में पारित  
वैधानिक दिनांक १०-०७-२०१२ के आदेश पर प्रतिक्रिया के संबंध में

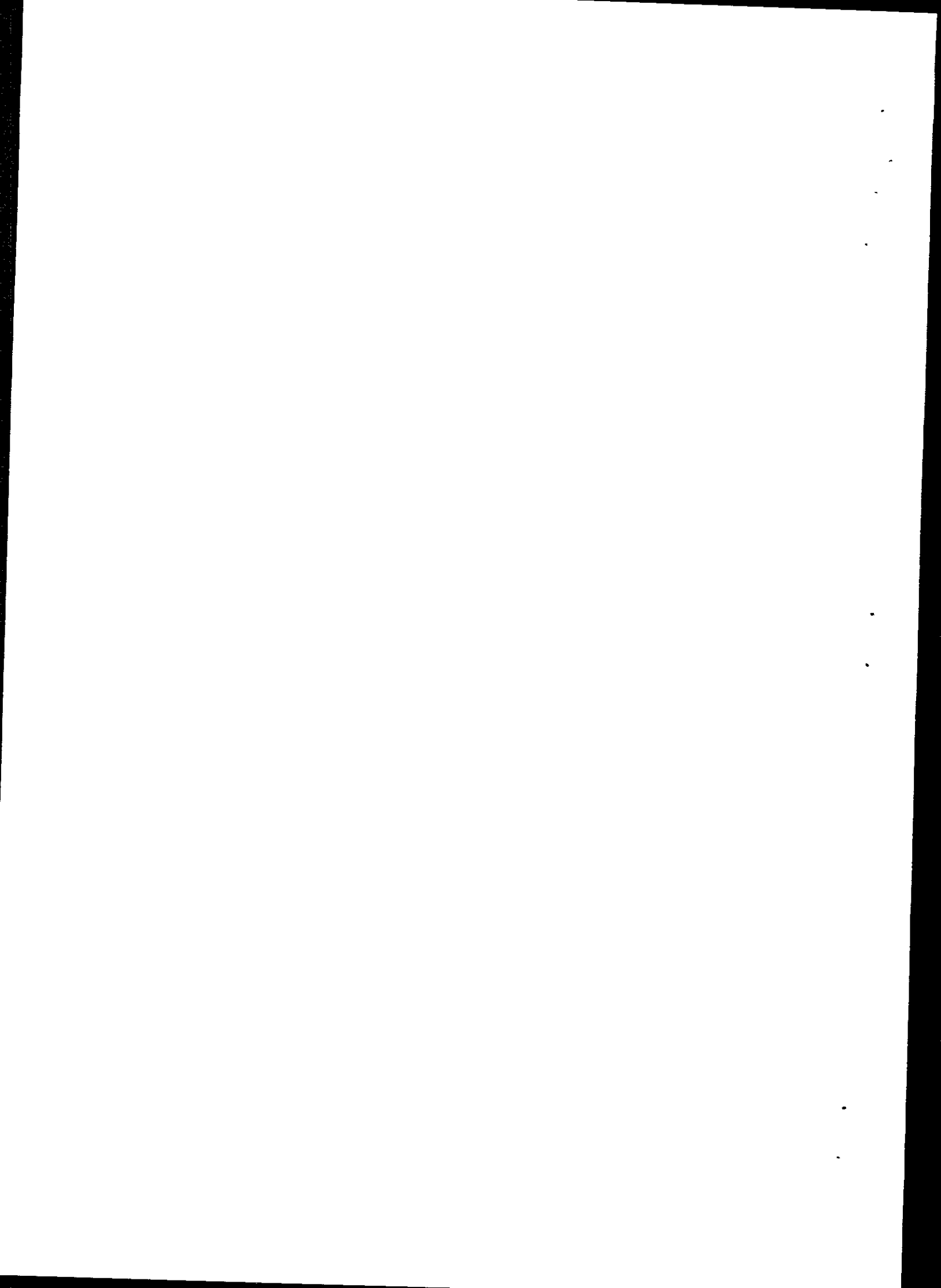
महोदय,

सविनया निवेदन है कि मैं मधु कुमारी लक्ष्मी पति मिथिला पास्चान  
सा० बजराहा पंचायत - कुजौरी बालमनगर जिला- मधोपुरा का स्थायी  
निवासी हूँ। विदित है कि कुजौरी ग्राम पंचायत के वार्ड सं०- ०५ के क्र. संख्या १०

में अंगनवाडी सैविका पद पर नियुक्ति हेतु राज्य सरकार द्वारा निर्धारित  
योग्यता की पूर्ण पूर्णता पूर्णतः अनुपालन करती हूँ। तदनुसार कुजौरी  
ग्राम पंचायत के वार्ड सं० ५ में बाल विकास पदाधिकारी बालमनगर मधोपुरा  
वार्ड संख्या ५ के निवासी मधु कुमारी लक्ष्मी पति नाम की रजिस्ट्रार  
सुधा कुमारी पति लक्ष्मी पास्चान सा० बजराहा थाना बालमनगर जिला  
मधोपुरा को उक्त अंगनवाडी केंद्र में सैविका के रूप में बयन किया गया जबकि सु  
कुमारी के पति सरकारी सेवा में हैं तथा सुधा कुमारी स्वयं ही गाँव में  
रहती थीं। नतीजतन सुधा कुमारी का बयन अंगनवाडी सैविका  
के पद पर किया गया है। जहाँ पति के नाम लक्ष्मी पास्चान दर्शाया गया  
है। किंतु सुधा कुमारी के नाम से उच्च न्यायालय में अपील हुआ है जिसमें सु  
कुमारी के पति का नाम विकास पास्चान अंकित है।

पुनः उल्लेखनीय है कि नाम सरकारी के नियमानुसार सरकारी पद पर  
अर्जित व्यक्ति के संबंध में रिश्तेदार का उक्त पद पर बयन होना नियम के  
विरुद्ध ही सरकार के संज्ञान मार्ग दिनांक २०११-१२ के कलिका ५, ८  
एवं ५२० में नैतिक रिश्तेदार को उक्त पद के लिए योग्य धारणा  
किया गया है। अतः मधु कुमारी लक्ष्मी पति उम्मीदवा र होने के उपरान्त  
तार्थिक अभाव के कारण सरकार द्वारा सभी मापक उ पूर्ण करने के बाव  
जूद भी प्रार्थना है कि उक्त पद के लिए योग्य धारणा किया गया जबकि बयनित

*Handwritten signature and date*  
13/11/12





14

16

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ना भाथी सुधा कुमारी प्रति जमी पासवान से मधु कुमारी सह प्राथी  
 प्राप्त कि वे भी अधिकाारी उक्त विभाग से कु माननीय उच्च न्यायालय  
 में रीट याचिका नं. डब्लू. के. सी. 34 (1708/12) के प्राप्ति अर्थात्  
 की जलक में आवेदक को हानि भर रहे है।

अतः श्रीमान से अग्रह कि माननीय उच्च न्यायालय के अर्थात् के  
 अन्तर्गत में उचित निगमने की कृपा की जाय।

प्राथी  
 मधु कुमारी

अन्तर्गत  
 माननीय उच्च न्यायालय  
 के अर्थात् कुमा विभाग - 10. 7. 12 के अर्थात्  
 प्रति ।

