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6/10/13

IN THE HIGH COURT OF JUDICATURE AT PATNA

(Miscellaneous Jurisdiction Case)

M.J.C No. ----- of 2013

(arising out of C.W.J.C No-----of 2012

Ahilya Kumari -----Petitioner

Versus

The state of Bihar & others ----- Respondents

Sub : - Selection Matter (Aaganbari Supervisor).

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4.	Annexure -3 true photocopy of the letter no-731 dt 24.2.12	11 -
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6.	Annexure -5 true photocopy of the proceeding paper.	

Vakalatnama .

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case

M.J.C. No-----/2013

(arising out of C.W.J.C. No . 13371/2012)

In the matter of an application U/A
2B of the constitution of India read
with section 12 of the Contempt of
Court Act.

And

In the matter of

Ahilya Kumari W/o Sri Ganesh Kumar resident of village Darogajee
Tola AT and P.O Tamot Papsa Block, Murliganj,P.S. – Murliganj,Dist-
Madhepura-----Petitioner.

versus

1. The State of Bihar through, Principal Secretary, Social Welfare
Department , Bihar , Patna.
2. The Diorector ,I.C.D.S Social Welfare Department, Bihar , Patna.
3. The Deputy Director,I.C.D.S ,Social Welfare Department, Bihar ,Patna.
4. The Commissioner , Saharsa.
5. The Collector , Madhepura.

6. The District Programme Officer, Madhepura .
7. The Block Development Officer , Biharigang , Madhepura.
8. The Child Development Project Officer, Biharigang, Madhepura.

.....Respondents.

To,

The Hon'ble Miss 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 named above .

Most Respectfully Sheweth ;-----

1. That this application is being filed for initiating the proceeding of contempt of court against the opposite parties for willfully and deliberately bypassing / violating / disobeying the order of this Hon'ble court dt 14 /09 /2012 passed by Hon'ble Mr. Justice Prakash Chandra Verma in C.W.J.C no-13371/2012 as contained in Annexure-1
2. That the petitioner had filed a writ petition before this Hon'ble High Court vide C.W.J.C No. - 13371/2012 which was disposed of by Hon'ble Mr Justice Prakash Chandra Verma, directed the respondent No--5 to decide the matter within a period of one months from the date of receipt /production of a certified copy of

this order.

A true photocopy of the order dt14.09.12 is annexed herewith & marked as annexure -1 to this petition .

3. That the fact of this case is that the petitioner has been working on the post of Anganbari Sevika at Kendra No.-- 138 East—Darogajee Tola, Tatma Parsa Panchayat, Block-Murliganj Dist. -- Madhepura since 1984. After selection thr dept. of Welfare vide letter No.—26 dt.-29/06/1984.
4. That the petitioner has been working very satisfactorily and the work of the petitionber has been appreciated and warded time to time .There is no complain against the petitioner in performing the duties of sevika.
5. That the govt. of India, Dept. of Social Welfare have taken special care in selection of Anganbari Sevika at the age of groups 15 to 44 years. For ensuring free acess of the children of Schedule Caste / Schedule Tribes and other weaker section of the society at the Anganbari Center.
6. That the emphasis under the I.C.D.S. scheme is that the I.C.D.S. project should be run by the worker of the Anganbari Centers and for this the government has decided to appoint the Anganbari Supervisor

for monitoring the center and to sort out the problems raised in Anganbari Centers.

7. That the petitioner according to advertisement No. of I.C.D.S. 1068 / 01 / 875 sak dated 14 / 06 / 2010 applied for the post of Anganbari Supervisor through on-line and also submitted all the papers to the respondent of the concerned Block on 18/07/2010 on-line and application before the concern respondent on 20/07/10.
8. That a list of appearing candidate was made and her name of the petitioner appearing in the list.
9. That the respondents set over the matter for indefinite period and no information with regard to the selection or non selection of the Anganbari Sevika on the post of supervisor was given .
10. That the petitioner made effort to get the information with regard to selection of Super visior but no information was given .
11. That the petitioner obtained the final merit list selected by the Selection Committee on 01/07/2011 through office in the month of February 2012 in which her name was not found place in the merit list for promotion on the post of Anganbari Supervisor.
12. That the respondent No-6 the D.P.O Madhepura by his letter no— 769 dt. 22/06/2011 rejected the petition of the petitioner alleging her selection has been made in underage.

A true photocopy of the

letter no-769 is annexed
herewith and marked as
Annexure - 2 to this
petition.

13. That the petitioner has given a letters to the respondents for her grievance but no steps have been taken by them.
14. That the letter no - 731 dt. 24/02/2012 issued by the Secretary Deptt of Social Welfare, Bihar, Patna directed the Collectors to promot the Anganbari Sevika who have been appointed earlier in underage.

In spite of that the respondents remained silent over the matter.

A true photocopy of the
letter No-731 is annexed
herewith and marked as
Annexur -3 to the petition

15. That the petitioner filed writ petition vide C.W.J.C. No. 13371/2012 before the Hon'ble High Court against the order of non selection on the post of Anganbari Supervisor.
16. That the petitioner filed a appeal before the Collector on the direction of this Hon'ble High Court on 02/11/2012 after obtaining the order of this Hon'ble High Court on 15/09/2012.

17. That the appeal was admitted on 16/11/2012 and on several occasions the petitioner appeared before the learned Collector respondent No-5 uptill 14/06/2013 but no order was passed.

A true photocopy of the proceeding is annexed herewith and marked as A-4 to this petition.

18. That it is hereby submitted that the respondents / opposit parties No-5 to 8 are deliberately and intentionally harassing the petitioner by calling on different dates of appeal and as such the opposite parties No-5 to 8 are deliberately and intentionally violating the order of the Hon'ble High court dt.- 14/09/2012.

~~A true photocopy of the proceeding is annexed herewith and marked as A-5 to this petition.~~

19. That the opposite Parties No-5 to 8 with a harassing attitude had deliberately and intentionally not heard the appeal and on the order of the respondent No---5 to the respondent No- 6 & 8 not appearing before the Collector with the entire paper of selection which is apparent from the proceeding paper (~~contained A-5~~).

20. That it is submitted that the Hon'ble Court directed the respondent

No-5 to decide the matter within a period of two months from the date of the receipt /production of a certified copy of this order but the opposite party No-5 deliberately and intentionally violating the order of this Hon'ble High Court having no fear for any consequences. The petitioner is suffering a lot due to negligence of the rules of the I.C.D.S. by the respondents .

21. That the petitioner has not moved earlier before this Hon'ble High Court for the present subject matter.

It is therefore, prayed that your Lordships may graciously be pleased to initiate a proceeding of contempt of court against the opposite parties and punish them for their deliberate and intentional act of Ommission and violation of this Hon'ble High Courts order dt.

And
Pass such other order or order
as your lordships may deem
fit and proper.

And for this petitioner shall ever pray.

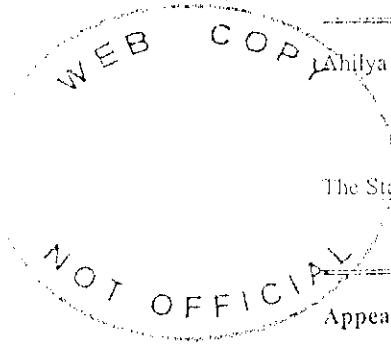
AFFIDAVIT

I, Ahilya Kumari, , aged about 47years, w/o Sri Gangesh Kumar
resident of village -Tamout Parsa, Darogaji tola P.S+Block- Murligang
Dist.- Madhepura do hereby solemnly affirm and state as follows.

1. That I am the petitioner and I am well acquainted with the facts and circumstances of the case.
2. That the contents of the petition, have been read over and explained to me in Hindi which I have fully understood the same.
3. That statement made in paragraphs 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 15, 16, 18, 19, 20, 21,
are true to my knowledge and those statement made in paragraphs--
2, 12, 14, 17-----are true to my information derived from the records of
the case and rest are by way of submission to this Hon'ble Court.
4. That the annexures are photocopy of the respective originals.

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13371 of 2012



Ahilya Kumari

..... Petitioner/s

Versus

The State Of Bihar & Ors

..... Respondent/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Mallick

For the Respondent/s : Mr. Praseon Sinha Ga2

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA VERMA

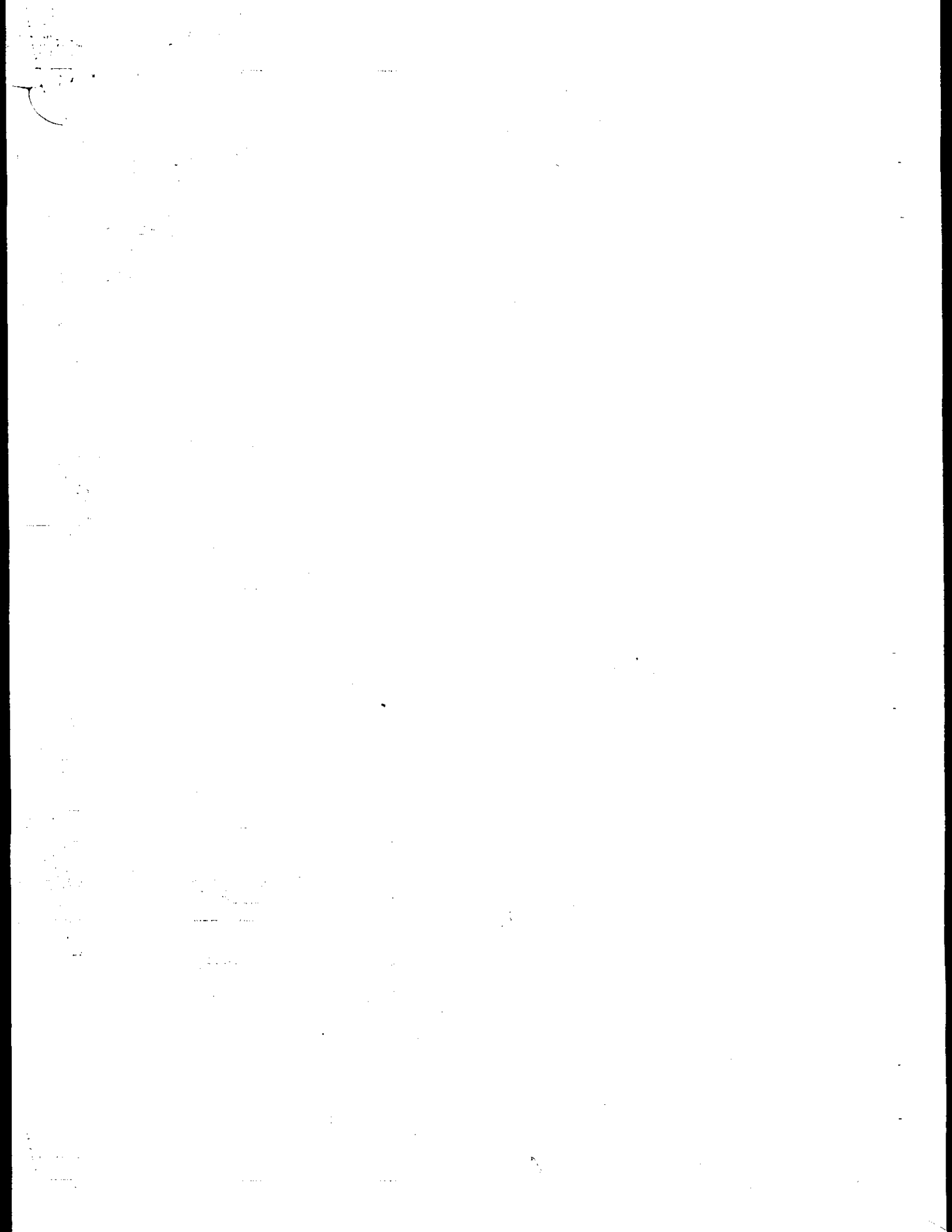
ORAL ORDER

2 14-09-2012

Upon hearing learned counsel for the parties, this writ petition is disposed of with a direction that petitioner may file appeal before the Collector, which shall be decided by him within one month from the date of receipt/production of a certified copy of this order.

(Prakash Chandra Verma, J)

Mkr./-



समाहरणालय, मधेपुरा
(जिला प्रोग्राम शाखा)

जापांक: 269 दिनांक 22.06.11

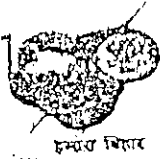
प्रेषित,

1. श्रीमती सलिला कुमारी, सेविका, नाडी, मुरलीगंज।
2. श्रीमती प्रचिया चौधरी, सेविका, जोरगाव, मुरलीगंज।
3. श्रीमती वीणा कुमारी, सेविका, सिंधियोन, मुरलीगंज।
4. श्रीमती रीता कुमारी, सेविका, हरिपुर, तिनकोनमा, मुरलीगंज।
5. श्रीमती अहिल्या कुमारी, सेविका, तगौट परसा, मुरलीगंज।
6. श्रीमती अरुणा वर्मा, सेविका, रजनी बभनगामा, बिहारीगंज।

विषय:- उम्र संबंधी प्रमाण पत्र (साक्ष्य) समर्पित करने के संबंध में।

आपने महिला पर्यवेक्षिका पद पर नियोजन हेतु आवेदन समर्पित किया है। आप सेविका पद पर कार्यरत हैं। आवेदन पत्र के जॉचोपरान्त यह बात प्रकाश में आयी है कि सेविका पद पर चयन के समय आपकी उम्र 18 वर्ष से कम थी। दिनांक 28.06.11 तक आप अपना साक्ष्य प्रस्तुत करना सुनिश्चित करें कि 18 वर्ष से कम उम्र में भी सेविका पद पर चयन करने का पर्यवेक्षण था या अन्य प्रमाण पत्र के आधार पर आपका चयन हुआ था, जिसमें आपका जन्म तिथि वर्तमान में दर्शाये गये गैर्रीक प्रमाण पत्र से भिन्न था। यदि उक्त तिथि तक आप इससे संबंधित साक्ष्य प्रस्तुत नहीं करती हैं, तो साक्ष्य जाएगा कि आपको इस संबंध में कुछ नहीं कहना है और आपकी महिला पर्यवेक्षिका पद हेतु अयोग्य घोषित करते हुए सेविका पद से चयनमुक्त करने की भी कार्रवाई प्रारम्भ कर दी जाएगी।

19/6/11
जिला प्रोग्राम पदाधिकारी
मधेपुरा।



बिहार सरकार
समेकित बाल विकास सेन्टर (ICDS) निदेशालय, बिहार
(समाज कल्याण विभाग)

पितीय भवन, इण्डियन पब्लिक, राम प्रोटेज सिविल पथ, पटना-800001
फोन: +91-612-2539707. फैक्स: +91-612-2535900 website: www.icds.bih.nic.in



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संचिका संख्या :- I.C.D.S/50035/2-2011

131

दिनांक 24/2/12

प्रेषक,

संदीप पौण्डरीक, भा0प्र0रो0
सचिव

सेवा में,

सभी जिला पदाधिकारी

विषय :-

ऑंगनवाडी सेविकाओं से महिला पर्यवेक्षिका के 25 प्रतिशत पदों पर नियोजन के संबंध में मार्गदर्शन।

महाशय,

उपर्युक्त विषय के संबंध में कहना है कि सी0डब्लू0जे0री0संख्या-13952/2011. श्रुतीता कुमारी यनाम बिहार राज्य एवं अन्य में, दिनांक 01.12.2011 को माननीय उच्च न्यायालय, पटना द्वारा पारित न्यायादेश एवं विधि विभाग से प्राप्त परामर्श के आलोक में विभागीय पत्रांक-स0क0विविध-60-114/10 वि 1 दिनांक 17.01.2011 को संशोधित करते हुए यह स्पष्ट किया जाता है, कि ऐसी ऑंगनवाडी सेविकाएँ जिनकी उम्र नियुक्ति के समय 18 वर्ष से कम थी को भी महिला पर्यवेक्षिका के पद पर नियुक्ति हेतु योग्य माना जाएगा।

अतः उपरोक्त के आलोक में महिला पर्यवेक्षिका के रिक्त पदों पर ऑंगनवाडी सेविकाओं के 25 प्रतिशत पदों पर नियुक्ति हेतु अग्रेतर कार्रवाई की जाय।

विश्वासभोजन
[Signature]
(संदीप पौण्डरीक)
सचिव

1997/11/11
 15/6/13 व्यायालय समाह्वान एवं जिला दण्डाधिकारी, मधेपुरा

आदेश-पत्रक
 (तेमें अभिलेख हस्ताक्ष, १९४१ का नियम १२९)

आहिल्या कुमारी
 कनका
 राज्य एवं अ-५

क्र. सं. ता. से तक
 सं. सन् १९
 क्र. सं. का प्रकार उपांगनखाड़ी वाद सं. ३४/२०१२

आदेश की क्रम. संख्या कोष तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पत्र की गई कार्रवाई के बारे में टिप्पणी, तारीख-सहित
1	2	3
07.12.12	Putup before the learned Collector, Madhepura on 18.12.12 Sd/- Jc. Legal Magistrate Madhepura	
18.12.12	नारी की राज्य सरकार/न्यायालय कार्य स्थगित/अभिलेख रिपोर्ट 22/01/13 का रखी उपस्थित	STAMP DUTY 00000 70 ६ २०१२ BIHAR 374150 INDIA
22/01/13	नारी की राज्य सरकार/न्यायालय कार्य स्थगित/अभिलेख रिपोर्ट 29/1/13 का रखी उपस्थित	GOVT. OF BIHAR REGISTRATION EXCISE & PROHIBITION DEPT. MADHEPURA SCORE MADHEPURA
29/1/13	नारी की राज्य सरकार/न्यायालय कार्य स्थगित/अभिलेख रिपोर्ट 22-2-13 का रखी उपस्थित	Authorization No. 2037
22.2.13	आवेदक की राज्य सरकार/न्यायालय कार्य स्थगित/अभिलेख रिपोर्ट 08.3.13 का रखी उपस्थित	
08.3.13	आवेदक की राज्य सरकार/न्यायालय कार्य स्थगित/अभिलेख रिपोर्ट 19.3.13 का रखी उपस्थित	



See XXIII

आदेश की क्रम संख्या कोप तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पत्र की टिप्पणी, तारीख
1	2	3

19.3.13 - आवेदक की हाजरी प्राप्त।
दिनांक - 12.4.13 को रखे।

उप सहा

12.4.13 - आवेदक की हाजरी प्राप्त।
दिनांक - 03.5.13 को रखे।

03.5.13 - आवेदक की हाजरी प्राप्त।
G.P. की हाजरी प्राप्त।

उप सहा

Hear, Admitted

Reversed the order of
Hon'ble High Court.

Some notice to O.P.

Partly on 17.5.13.

Mr.
31/5/13
AM,



आदेश और पदाधिकारी का हस्ताक्षर

आदेश पत्र की गई कार्रवाई के बारे में टिप्पणी, तारीख के साथ

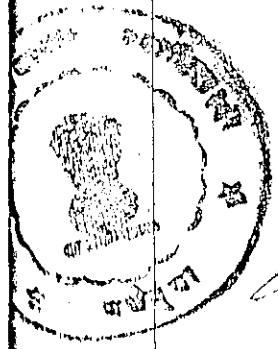
2

3

17.5.13 - आवेदक अड्डा G.P. की हाजरी प्राप्त।
 नामित प्राप्त अपीलकर्ता को संतोषजनक
 कार्य प्रदान। अतिरिक्त दिनांक 16/13
 को रखा।
 उपरोक्त।

07.6.13 आवेदक अड्डा G.P. की हाजरी प्राप्त।
 दिनांक - 14.6.13 को रखा।
 उपरोक्त।

14.6.13 - वकील की शर्तें प्राप्त। सुनवाई नहीं हो
 सकी। अतिरिक्त दिनांक 16/07/13
 को रखा।
 उपरोक्त।



[Handwritten signature]

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 8/6/13