

**IN THE COURT OF COMMISSIONER, SARAN DIVISION, CHHAPRA**

Aanganbari Appeal No..... 209/2012

Sunita Devi & Saroj Devi ... Appellants

Vrs

SoB & Babita Devi ... Respondents

**ORDER**

**15.03.2013**

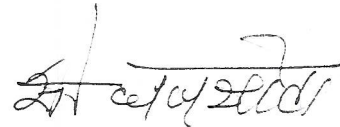
The instant revision application is directed against the impugned order passed on 07.07.2012 by District Magistrate, Saran while deciding an application filed before him by present respondent No.-2 Babita Devi.

2. The relevant facts of the case are that one Babita Devi w/o- Shailendra Ojha, r/o Vill-Basantpur, P. S- Baniyapur, District-Saran and respondent No.-2 to this appeal petition, filed an application before District Magistrate, Saran alleging therein that inspite of her selection as Aanganbari Sahayika for centre No.-112 she was not allowed by the authority to undergo training and to work at the centre by the sevika of that centre. The learned DM, Saran while passing the final order on 07.07.2012 directed the authority concerned i.e C.D.P.O. Baniyapur to send the sahayika on training and also to take work from her at the centre.
3. On being aggrieved by and dissatisfied with the aforesaid order of the D.M. Saran the two appellants namely Sunita Devi w/o- Jagdip Ram and Saroj Devi w/o- Sanjay Kumar Ram both r/o-Vill-Basantpur, P.S-Baniyapur Dist. Saran preferred this appeal jointly before this Court.
4. The learned counsel for the appellant and learned G.P. instead of arguing the case, offered to submit written arguments and the court was pleased to grant three weeks time to do so.
5. The learned counsel appearing on behalf of the appellants in his written statement states that the present respondent No.-2 Babita Devi, belonging to general

category of Bhumihar caste, was appointed anti-dated on the post of Sahayika in the year 2005. although she belongs to centre No.-111. He claims that the learned D.M. ought to have considered that the selection of the respondent No-2, Babita Devi was illegal and anti-dated otherwise she would have undergone training long ago. The learned D.M. has not considered the appointment letter of respondent No.-2 as illegal even though it does not bear the signature of the secretary or ward member and also complaint of villagers including the appellants. filed before D.M. Saran has not been considered at all. He further submitted that the DM's order dated 7.7.2012 based on the petition of Babita Devi after 8 years of alleged appointment is against the direction of the Departmental guidelines, hence fit to be set aside and hence fresh direction be issued for the selection of Sahayika.

6. The learned Govt. pleader appearing on behalf of Collector on the other hand held that the Collector has passed a detailed order. No complaint was over filed by any aggrieved party regarding the appointment of Babita Devi. But the sewika had no legal stand to raise any objection. The order of Collector is legal hence the appeal should be dismissed.

7. The locus standi of the two appellants namely Sunita Devi and Saroj Devi have not been brought out very clearly. Similarly, the illegality or irregularity in the selection of Babita Devi as Anganwadi Sahayika, if there is any, also has not been brought out clearly. There is no way at this stage to verify the unsubstantiated claims of the learned lawyer of the appellants regarding the selection process. Apparently there was no complaint before the DM against the selection of the Sahayika. The DM has, rightly or wrongly assessed the materials available before him and passed the impugned order. No material facts or illegalities against the impugned order have been put forth before this court to justify quashing the impugned order; hence the appeal is dismissed.



(C.LALSAWTA)  
Commissioner. Saran Division. Chhapra.