

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9762 of 2020**

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Vinita Devi W/o- Sravan Kumar Yadav Resident of Village- Manohar Patti,  
Post- Machhahi, P.S.- Sakara, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The Director ICDS, Patna.
4. District Magistrate Dist.- Muzaffarpur.
5. The District Programme Officer (establishment) Dist.- Muzaffarpur.
6. The Child Development Project Officer Block- Sakara, Dist.- Muzaffarpur.
7. Jyoti Kumari Wife of Sonu Kumar Resident of Village- Manohar Patti, Post Machhahi, P.S.- Sakara, Dist.- Muzaffarpur.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Bijay Shankar Choubey, Advocate  
For the Respondent/s : Ms. Kumari Amrita, GP-3

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**ORAL JUDGMENT**

**Date : 07-01-2022**

The matter is heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. State counsel accept notice for respondent nos. 1 to 6. Service of notice to respondent no. 7 is dispensed since no adverse order is passed against her.

3. In the instant petition, petitioner has prayed for following reliefs:

“(i) for the issuance of appropriate Writ/ Writs, Order/ Orders, Direction/Directions in the nature of Writ of Mandamus directing and commanding



the respondent authorities to select and appoint the petitioner on the post of Aanganbari sevika in Aanganbari Center no. 351 in ward 2, Village- Manohar Patti, Panchayat, Sirajabad, Block-Sakara, Dist-Muzaffarpur for which the petitioner applied alongwith all relevant documents and she was figured at Sl. no. 1 in the final merit list published by the employment unit but despite that the respondent authorities has arbitrarily and whimsically in colorable exercise of their power has selected and appointed to respondent no. 7.

ii. for the issuance of appropriate Writ/ Writs, Order/Orders, Direction/Directions in the nature of Writ of Mandamus directing and commanding the respondent authorities to cancel the selection and appointment of the respondent no. 7 who has been illegally selected and appointed by the respondents authorities debarring the petitioner from her constitutional as well as fundamental right.

iii. And for the other necessary relief/reliefs on the basis of the facts and circumstances of the case stated and enumerated hereinafter.”

4. Concerned respondent is hereby directed to pass speaking order as to why the petitioner is not entitled to be selected and appointed to the post of Anganwari Sevika in Anganwari Centre No. 351 in Ward No. 2, Village- Manohar Patti, Panchayat, Sirajabad, Block-Sakara, District-Muzaffarpur. Such speaking order shall be passed and communicated to the petitioner after giving ample opportunity



of hearing to respondent no. 7- Jyoti Kumari. The above exercise shall be completed within a period of three months from the date of receipt of this order.

5. With the aforesaid observations, the instant petition stands disposed of.

**(P. B. Bajanthri, J)**

rakhi/-

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