

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12395 of 2016

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Ragini Kumari wife of Kapil Dev Sah Resident of Village- Mohimdih, Baishi
Tola, Police Station- Bihariganj , District-Madhepura

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Family and Social Welfare, Govt. of Bihar, Patna
2. The Divisional Commissioner, Koshi Division, Saharsa.
3. The District Magistrate, Madhepura
4. The District Welfare Officer, Madhepura
5. The District Programme Officer Madhepura
6. The child Development Project Officer, Uda Kishunganj, Madhepura

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rabi Bhushan, Adv.
For the State : Mr. Kameshwar Prasad Gupta, GP10

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

3 19-12-2022

1. Heard the parties.

2. The petitioner by way of this writ petition assails the order passed by the District Magistrate as well as the order passed by the Court of Commissioner.

3. It appears that the petitioner earlier filed a petition bearing C.W.J.C. No. 8595 of 2010, wherein it was stated by the petitioner that she has already moved before the Commissioner of the Division against the impugned order and rely upon the same the Court passed an order directing the Commissioner to dispose of the appeal within a period of three



months, vide order dated 13.10.2011. However, she had never filed an appeal before the Commissioner and the Commissioner therefore noticed on 05.01.2012 that she has mislead the High Court. In fact, the appeal was filed on 28.12.2011 after the High Court passed order on 13.10.2011 and therefore finding the conduct of the petitioner to be reprehensible, the appeal was dismissed by the Commissioner. The present writ petition has been filed again challenging the order dated 28.02.2009 again before this Court.

4. This Court is of firm view that the petitioner can approach this Court only if it had clean hands, it is a Court of equity and justice. Earlier too the petitioner had filed a petition and given a wrong statement, resulting in her appeal filed before the Commissioner to have been dismissed. In the fresh petition she again challenged the order of the appointment of respondent on the post of Anganwari worker.

5. In the opinion of this Court, the writ petition for appointment on the post of Anganwari worker is not maintainable, as held in CWJC 21963/2014 which is as under:

“Para 2: The post of Anganwadi worker does not fall within the purview of the State or Subordinate Services and is a post under a scheme regulated by guidelines



which are not enforceable in law. In view thereof, the writ petition would not lie with regard to the selection process of Anganwadi worker.”

6. Keeping in view thereto, the present writ petition is also dismissed.

(Sanjeev Prakash Sharma, J)

pravinkumar/-

Item no. 63

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