

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2963 of 2021

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Puja Kumari, W/o Rajan Kumar, Resident of Village- Pirnagar, P.O.-
Gamahariya P.S.- Naokothi, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Director, Social Welfare Department, Government of Bihar, Patna.
3. The Director, Integrated Child Development Scheme (ICDS), Bihar, 2nd Floor, Indira Bhawan, R.C. Singh Path, P.O.-Punaichak, District-Patna.
4. The Divisional Commissioner, Munger.
5. The District Magistrate, Begusarai.
6. The Child Development Project Officer (C.D.P.O.), Naokothi, Begusarai.
7. The District Programme Officer, Begusarai.
8. Sarika Kumari, W/o Raj Kishore Paswan, Resident of Village- Pirnagar, P.O.- Gamahariya, P.S.-Navkothi, District- Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Saroj Kumar Sharma, Advocate
For the Respondent/s : Mrs. Kumari Amrita, GP-3

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

Date : 28-01-2022

This matter is heard via video conferencing due to circumstances prevailing on account of COVID-19 Pandemic.

2. Service of notice to 8th respondent Sarika Kumari is dispensed with, since no adverse order is passed.

3. Learned counsel for the petitioner is hereby directed to furnish copy of the writ petition to the learned counsel for the respondents.

4. Heard learned counsel for the parties.



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

“(A) For issuance of an appropriate writ/writs in the nature of mandamus for commanding and directing the concern respondents authorities to issue an appointment letter in favour of the petitioner for the post of ‘Anganbadi Sevika’ at Anganbadi Kendra No.106 for Ward no. 9 under Gram Panchayat Raj Pashra (East) Block Naokothi, District- Begusarai keeping in view of panel of merit list prepared by the authorities on the basis of candidates participated in the counseling in which petitioner secured highest Percentage of marks i.e. 61.8% and her name placed on 1st position in the said merit list whereas Private respondents secure only 38.5% and placed on 5th position in said merit list but unfortunately petitioner candidature for appointment was denied arbitrary and illegally Private respondents who has lesser percentage of marks than petitioner was appointed was said post.

(B) For quashing and set-aside the selection and appointment of Private respondent no.8 namely Sarika Kumari who was illegally selected and appointed on the post of ‘Anganbadi Sevika’ at Anganbadi Kendra no.106 for Ward no. 09 under Gram Panchayat Raj Pashara (East) Block Naokothi, District- Begusarai in complete violation of panle of merit list in which she has only 38.5% marks, which is much lesser than petitioner who secured 61.8% and obtain 1st position in said merit list.

(C) For issuance of an appropriate writ / writs in nature of mandamus for commanding and directing the



respondent no. 4 i.e. Divisional Commissioner Munger to consider the matter of petitioner in service appeal no.10/2020 accordance with law within stipulated period.

(D) And for any other relief/reliefs for which the petitioner is found to be initialed under the provision of law involved in the present case.”

6. Undisputedly Appeal No. 10 of 2020 is pending consideration before the Appellate Authority.

7. Accordingly, the Appellate Authority is hereby directed to consider the appeal of the petitioner (Appeal No. 10 of 2020) and pass speaking order after hearing the petitioner and contesting respondent, namely, Sarika Kumari (respondent no.8).

8. The above exercise must be completed within a period of four months from the date of receipt of a copy of this order.

9. The writ petition stands disposed of.

(P. B. Bajanthri, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.02.2022
Transmission Date	NA

