

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1734 of 2020**

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Pinkee Kumari @ Pinkee Devi @ Pinki Devi W/o Shailendra Singh, R/o Vill.- Barhuli, Post Office- Bhatti, P.s.- Mohania, Distt.- Kaimur (Bhabhua) Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Deptt. Govt. of Bihar, Patna
2. The Secretary, woman and Child Welfare Deptt., Govt. of Bihar, Patna
3. The Directorate ICDS Programme, Govt. of Bihar, Patna
4. The District Magistrate, Kaimur District
5. The District Programme Officer, ICDSm, Kaimur
6. The C.D.P.O., Mohania, Kaimur,
7. Sushila Kumari, W/o Sri Ajeet Kumar Singh, R/o Vill.- Barhuli, P.o.- Bhatti, Pin Code-821109, P.s.- Mohania, Distt.- Kaimur (Bhabhua).

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Uma Shankar Sharma, Advocate  
For the Respondent/s : Mr. S.K. Mandal, SC 3

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

4      21-09-2023                      Heard the parties.

2. The present petition has been preferred for the following reliefs:-

*(i) to set aside the order dated 05.12.2019  
passed by the learned Court of Collector-cum-District  
Magistrate, Kaimur (Bhabhua) in Anganwari Appeal  
Case No. 08 of 2019, Pinki Kumari vs. Govt. & Ors;*

*(ii) to also set aside the order dated 22.01.2019  
passed by the learned Court of District Programme*



*Officer (ICDS) Kaimur in Anganwari Appeal Case No. 79 of 2018 Sushila Kumari vs. Pinki Kumari and on as a consequence to setting aside the order dated 05.12.2019 passed by learned Court of Collector cum District Magistrate, Kaimur in Anganwari Appeal Case No. 08 of 2019;*

*(iii) for issuance of joining letter to the instant petitioner as Anganwari Sevika, Ward No. 12 Panchayat-Bhitti, Prakhand-Mohania, District-Kaimur;*

*(iv) for holding the selection of the instant petitioner valid and genuine against Anganwari Centre No. 78, Barhuli, Panchayat-Bhitti, Post-Bhitti, P.S.-Mohania, District-Kaimur issued under the signature of Lady Supervisor Mohania, Kaimur dated 28.04.2018.*

3. The petitioner was earlier selected on the post of 'Anganwari Sevika' pursuant to the counselling held on 20.04.2018 and accordingly selection letter was issued on 28.04.2018.

4. The minimum qualification for being selected to the post of 'Anganwari Sevika' is Matriculation. The respondent no. 7, namely, Sushila Kumari petitioned against the petitioner alleging that despite she not presenting her educational



certificates/documents at the time of counselling, the selection letter has been issued to her. This led to Anganwari Appeal Case No. 79 of 2018 and on 22.01.2019 (Annexure 7 to the petition). After putting the petitioner on notice and hearing the parties and having been satisfied, the order was passed on 22.01.2019 by which the selection of the petitioner was annulled with a direction to Child Development Project Officer, Mohania to initiate fresh selection process.

5. Thereafter, the petitioner aggrieved by the order preferred appeal before the Collector, Kaimur (Bhabhua) who vide an order dated 05.12.2019 being satisfied with the findings of the District Programme Officer (ICDS), Kaimur rejected the claim of the petitioner.

6. Still aggrieved, the present petition.

7. The contention of the learned Counsel for the petitioner is that she was having highest marks (46.42%) and as such, was entitled for being selected. Further, she lost her mark-sheet and it is her admission that on the date of counselling/ as also on the date of the issuance of selection letter i.e. 20.04.2018 and 28.04.2018 respectively, the Matriculation certificate/document/mark-sheet was/were missing/lost which she later procured from Bihar School Examination Board and



submitted. Thus, her selection has wrongly been annulled.

8. A perusal of Annexure 1 series would show that earlier in her Matriculation examination, the lady failed. Subsequently, she appeared in the supplementary examination, passed and the mark-sheet was accordingly issued on 07.05.2018.

9. It has to be noted that the counselling took place on 20.04.2018 and the selection letter was issued on 28.04.2018 in that backdrop, it is/was clear that the petitioner was not having requisite document in support of her claim. In any case, order was passed for initiation of fresh selection process in which the petitioner armed with the said document could have participated.

10. Considering the aforesaid facts, no case is made out.

11. Accordingly, the writ petition stands dismissed.

**(Rajiv Roy, J)**

Neha/-

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