

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.435 of 2023

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Anjali Devi @ Anjali Kumari Wife of Sri Anirudh Paswan, Resident of
Village- Dira P.O. Konag P.S.- Halsi District- Lakhisarai.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Social Welfare Department, Government of Bihar, Patna.
2. The Director ICDS, Bihar, Patna.
3. The Divisionan Commissioner, Munger Division, Munger.
4. The Collector Cum the District Magistrate, Lakhisarai.
5. The Sub-Divisional Officer, Lakhisarai.
6. The District Programme Officer, Lakhisarai.
7. The C.D.P.O. Halsi, District- Lakhisarai.
8. The Lady Supervisor, C.D.P.O. Halsi District- Lakhisarai.
9. Manorma Devi Wife of Shankar Mistri, R/o Vill.- Dira P.O. Konag P.S.- Halsi District- Lakhisarai.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Umesh Prasad, Advocate
For the Respondent/s : Mr.Md. Raisul Haque (SC10)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 05-05-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, in the present case, is seeking quashing of
the order dated 24.08.2022 passed by respondent no. 4 in
Anganwari Appeal Case No. 02/2022 whereby and whereunder
the respondent no. 4 has allowed the appeal of respondent no. 9,
terminated the selection of the petitioner from the post of
Anganwari Sevika and a direction was issued to send the copy
of the order to the District Programme Officer, Lakhisarai and



Child Project Officer, Halsi.

After hearing learned counsel for the petitioner and the State, on 18.04.2023 this Court passed the following order:-

“Heard learned counsel for the petitioner and the State for some time.

In this case, the appellate authority has allowed the appeal of Manorma Devi, wife of Shankar Mistri, R/o Vill.- Dira, P.O. Konag, P.S.- Halsi, District- Lakhisarai (respondent no. 9) on the ground that her matriculation certificate is showing her date of birth as 15.09.1986.

It is the case of the petitioner that the private respondent has procured this date of birth certificate giving a false declaration as to her date of birth. It is stated that the respondent no. 9 has one daughter namely Pratima Kumari with whom the difference of age between the mother and daughter is only 9 years 10 months and 22 days which go a long way to show that the date of birth declared by respondent no. 9 is a concocted one.

Learned counsel has pointed out from the impugned order dated 24.08.2022 that a verification was conducted by the then Executive Magistrate, Lakhisarai who visited the village and inquired about it from the co-villagers. They disclosed that there was no second marriage of respondent no. 9 and Pratima Kumari is her daughter only.

At this stage, this Court directs the Superintendent of Police, Lakhisarai to submit a verification report to this Court after visiting the village and by such other means including by procuring materials from the school namely Dr. Chandradeo Yadav Dayabati Devi S.H.S., Bilauri, Lakhisarai as to what is the basis of entering the date of birth of respondent no. 9 in the school register. Complete information with respect to her date of birth entered in the school register, the basis thereof and the other information with respect to the marriage of the petitioner and the difference of age between the petitioner and her daughter, Pratima Kumari be made available to this Court within a period of two weeks' from today.



In the meantime, respondent no. 9 if not given charge of the post of Anganwadi Sevika shall not be given the charge and the status quo as on today shall be maintained.

List this case after two weeks i.e. on 03.05.2023 under the same heading, maintaining its position.”

In response to the aforesaid order the office of the Superintendent of Police has sent letter no. 1931 dated 27.04.2023 issued under signature of the Superintendent of Police, Lakhisarai which is available on the record. On perusal, it is found that according to the admission register of the school, the date of birth of respondent no. 9 is 15.09.1986. It has also come in course of verification that Sri Shankar Mistri had married to one Mira Devi who was the elder sister of respondent no. 9. He had three daughters namely, Pratima Kumari, Seema Kumari and Neha Kumari from his first wife. It has further come that his first wife died whereafter he married to respondent no. 9.

A counter affidavit has also been filed on behalf of the respondent no. 4, 6 & 7. Copy of which has been served upon learned counsel for the petitioner on 27.03.2023.

In view of the materials available on the record, this Court finds no reason to interfere with the impugned order as contained in memo no. 1083 dated 24.08.2022. The scope and ambit of the writ application cannot be extended to go on



making fishing enquiry.

This Writ Application is dismissed. The impugned order is also vacated.

(Rajeev Ranjan Prasad, J.)

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