

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4427 of 2018**

Rayisha Khatoon Wife of Md. Nurul, resident of Village- Baiju Patti,  
Dhaneshwari, Ward No. 4, P.S. and Block- Bhargama, District- Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector cum District Magistrate, Araria.
3. The District Programme Officer, Araria.
4. The Child Development Programme Officer, Bhargama Block, Bhargama,  
District- Araria.
5. Asma Khatoon, Wife of Umar Ali, resident of Village- Baiju Patti,  
Dhaneshwari, Ward No. 5, P.S. and Block- Bhargama, District- Araria.
6. Md. Manjir, Ward Member of Ward No. 4, Gram Panchayat- Dhaneshwari,  
P.S. and Block- Bhargama, Distr

... .. Respondent/s

**Appearance :**

|                                 |   |                                      |
|---------------------------------|---|--------------------------------------|
| For the Petitioner/s            | : | Mr. Shailendra Kumar Singh, Advocate |
| For the Respondent Nos. 5 and 6 | : | Mr. Ramesh Kumar Singh, Advocate     |
| For the State                   | : | Mr. Krishna Kant Singh, Advocate     |

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

5      26-09-2023                      Heard Mr. Shailendra Kumar Singh, learned Counsel  
  
for the petitioner and Mr. Ramesh Kumar Singh, learned  
  
Counsel for the respondent nos. 5 and 6 as also Mr. Krishna  
  
Kant Singh, learned Counsel for the State.

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

*(i) for setting aside the impugned order dated  
19.12.2017, passed by Collector cum District Magistrate,  
Araria, in Anganbadi Appeal No. 04/2017-2018, wherein  
and whereby the Collector-cum-District Magistrate,*



*Araria has rejected the appeal of the petitioner and affirm the order dated 05.06.2017, passed by District Programme Officer, Araria in case No. 02/2016-2017 and further also set aside the order dated 05.06.2017, passed by District Programme Officer, Araria in Appeal Case No. 02/2016-2017 in which the District Programme Officer, Araria has allowed the appeal of the Respondent No. 5 and cancelled the selection of the petitioner on the post of Anganbadi Sevika of the Anganbadi Centre No. 167, in Ward No. 04 under Dhaneshwari Gram Panchayat in Bhargama Block, Araria.*

3. The claim of the petitioner is that though she was resident of Ward No. 4, wrongly in the mapping register she as well as her husband were shown as the resident of Ward No. 5.

4. It is his submission that the father-in-law and mother-in-law were in Ward No. 04.

5. Mr. Ramesh Kumar Singh has fairly submitted that a bare perusal of the order of the Collector, Araria dated 19.12.2017 would show that he had merely directed the parties to appear before the 'Aam Sabha' so that a decision is taken by it in accordance with law.

6. Learned State Counsel submits that the directive of



the District Magistrate cum Collector was very clear, the order was of 2017 and lots of water may have flown down the Ganges and it would be appropriate that the parties move before the '*Aam Sabha*', if pursuant to the direction, no decision has yet been taken.

7. In that view of the matter instead of keeping the case pending, the writ petition is disposed of granting liberty to the parties to appear before the '*Aam Sabha*' only if pursuant to the directive of the Collector, Araria, no fresh selection process was undertaken and no person selected to the post.

8. It goes without saying that if any lady has already been selected and she is working, she cannot be disturbed without resorting to due process of law.

9. The writ petition stands disposed of with the aforesaid observations.

**(Rajiv Roy, J)**

Neha/-

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