

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.56 of 2022
In
Civil Writ Jurisdiction Case No.15322 of 2021

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Soni Kumari Wife of Mukul Kumar, Resident of the Village - Phokhraira, P.O.
- Kanti, P.S. - Kanti and the District - Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar through the Director, I.C.D.S., New Secretariate, Govt. of Bihar, Patna.
2. The District Magistrate, Muzaffarpur.
3. The District Programme Officer, I.C.D.S., Muzaffarpur.
4. The Child Development Officer, Kanti Block and Anchal, P.O. and P.S. - Kanti and the District - Muzaffarpur.
5. The Lady Supervisor, Godai Phulkohar Panchayat, Village - Pokhraira, Ward No. 01, Anganbadi Centre No. 277, under the Kanti Block and Anchal of the District - Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Shiv Shankar Prasad Yadav, Advocate
For the Respondent/s	:	Mr. Gyan Prakash Ojha, GA-7
		Mr. Sanghamitra Ghosh, AC to GA-7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)

Date : 29-02-2024

Heard the parties.

2. By filing the present Letters Patent Appeal, challenge is made to an order dated 06.01.2022, passed by a learned Single Judge of this Court in CWJC No. 15322 of 2020, whereby, considering the subsequent development in the matter,



the writ petitioner was given liberty to question the validity of the order produced along with the counter affidavit.

3. It is argued by the learned counsel for the appellant that pursuant to the ICDS letter no. 990 dated 05.04.2016, the appellant applied for the post of an Anganbadi Sevika for Anganbadi Centre No. 277 of the Ward No. 01 of the Godai Phulkahan Panchayat under OBC category. Despite having been selected for the post in question, when the writ petitioner/appellant had not been appointed for a considerable period, she filed the writ petition seeking a direction to proceed with the process of selection and to appoint her, for which, she was provisionally selected for the post of Anganbadi Sevika.

4. While questioning the order/judgment of the learned Single Judge, it is further argued on behalf of the appellant that once the process of selection is started, it must be completed to its logical end and any further process of selection, in order to extend benefit to other candidates of their choice is wholly illegal, which fact has completely ignored by the learned Single Judge. It is also contended that so far as the counter affidavit filed on behalf of the State in the writ petition is concerned, the same has not been served to the petitioner.



5. It is pertinent that the materials available on record, especially the counter affidavit filed on behalf of the respondent nos. 2, 3 and 4 clearly discloses that after preparation of the provisional merit list for selection of Anganbadi Sevika, the competent authority received a written objection against the said provisional merit list, in relation to majority caste of the centre, in question, as the majority of the caste was wrongly shown to be BC category in place of EBC, which was one of the primal condition of preference of selection.

6. Pursuant to the objection, inquiry was conducted by the order of the District Magistrate and it has been found that majority caste of centre in question, or the most-populous class, was the extremely backward category. Thus, apart from taking disciplinary action against the erring Lady Supervisor, direction was issued to publish fresh advertisement, after cancellation of all the previous selection process.

7. In such circumstances, if the writ petitioner-appellant has had any grievance, she has rightly been allowed the liberty to question the validity of order, directing for fresh advertisement and selection.

8. In such view of the matter, this Court does not find



any merit in the present letters patent appeal, the same stands dismissed.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

