

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5647 of 2023

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Sangeeta Kumari W/o Jay Kumar, resident of Village - Rampur Kothi, P.S.-
Bhagwanpur Hat, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director I.C.D.S. Bihar.
2. The Director I.C.D.S. Bihar.
3. The Divisional Commissioner, Saran Division, Chapra.
4. The District Magistrate, Siwan.
5. The District Program Officer, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sudhanshu Shekhar, Advocate.
For the Respondent/s : Mrs.Kumari Amrita, GP-3.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 28-10-2024 Heard Mr. Sudhanshu Shekhar, learned counsel

 appearing on behalf of the petitioner and Mrs. Kumari Amrita,

 learned GP-3 for the State.

2. The petitioner in paragraph no. 1 of the present writ
petition has sought, *inter alia*, following relief(s), which is
reproduced hereinafter:-

*“(i) For quashing the order dated 03.01.2023
passed by respondent Divisional Commissioner, Saran at
Chapra in Anganbari appeal case no. 16/2020, whereby he
has affirmed the order dated 08.01.2020 passed by District
Magistrate, Siwan.*

*(ii) For further to quash the order dated
08.01.2020 contained in letter no. 1, issued from the office
of Collectorate, Siwan, whereby services of the petitioner
has been canceled and petitioner has been directed to hand
over the charge within 2 days to the person
nominated/directed by the C.D.P.O.*

(iii) For further direction upon the respondent



authorities to re-instate the petitioner on her earlier post of lady supervisor and pay all the remunerations for which she is entitled.

(iv) For any other relief/reliefs for which the petitioner is found entitled in the facts and circumstances of the case.”

3. A counter affidavit has been filed on behalf of respondent nos. 4 and 5 duly sworn by the Child Development Project Officer, Goreyakothi, Siwan.

4. Learned counsel appearing on behalf of the petitioner submits that in accordance with 2016 guidelines prevalent at the time of selection process of Anganwari Sevika in respect of several centers of Goreyakothi Block for year 2016-17, the petitioner solely cannot be held responsible for any irregularity which has been detected by the inquiry team which was constituted on the basis of several allegation petitions filed on behalf of the inhabitants of the Centre. Contention of the petitioner is that as per the 2016 guidelines, not only the petitioner had to participate in the selection process rather the Aam Sabha is presided by the Child Development Project Officer (CDPO) and in presence of the CDPO, if any irregularity has been committed, CDPO is also responsible for such irregularity.

5. Considering the aforesaid information and the facts, the impugned order dated 08.01.2020 contained in Letter No.01



and the appellate order dated 03.01.2023 passed in Anganwari Appeal No. 16 of 2020 are hereby set aside and quashed. The matter is required to be heard in light of the 2016 guidelines, which was applicable at the relevant point of time after giving opportunity of hearing to all the persons who were responsible or had attended the Aam Sabha.

6. The writ petition stands disposed of.

(Purnendu Singh, J)

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