

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9994 of 2019**

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Kumari Anokha Singh Wife of Shailendra Kumar Mahto Resident of Village-  
Singheshwari, P.S.- Baunsi, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through Director, I.C.D.S., Social Welfare Department,  
State of Bihar, Patna.
2. The Collector Banka.
3. The D.P.O. Banka.
4. The C.D.P.O. Baunsi, District- Banka.
5. Mukhiya Gram Panchayat Raj Kurhro, Anchal- Bounsi, District- Banka.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Mritunjay Prasad Singh, Adv.  
For the State : Ms. Kumari Amrita (GP-3)

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      17-09-2024                      Heard learned counsel for the petitioner and learned  
counsel for the State.

2. The present writ petition has been filed for directing the respondent authority to issue the selection letter to the petitioner of on the post of *Anganwadi Sevika* in Village- Singheshwari *Anganwadi* Center, Ward No.10, Anchal Bounsi, District- Banka on the basis of final merit list of the year 2015 prepared by the CDPO, Bounsi specially in the light of Memo No.538 dated 26.02.2016 issued by the Director, ICDS directing to select the *Anganwadi Sevika* on the basis of earlier advertisement for those center of which merit list has already



been prepared and to complete the remaining vacancy in the light of new guideline, 2016. Further prayer has been made for commanding the respondent authority to cancel the order of fresh selection of *Anganwadi Sevika* by a fresh advertisement and to select the petitioner on the post of *Anganwadi Sevika* after quashing the order dated 26.07.2018.

3. Learned counsel for the petitioner submits that the petitioner was appeared in the selection process of *Anganwadi Sevika* by virtue of the advertisement made in the year 2014-15. But, final selection list has not been made and in the meantime, new selection list has come. Counsel further submits that the Director, ICDS, *vide* Memo No.538 dated 26.02.2016 has made specific direction that appointment shall be made by virtue of the relevant advertisement and subsequent *margdarshika* shall not interfere in the earlier selection process.

4. Learned counsel for the State on the other hand submits that in the counter affidavit, it is the specific stand of the State that the earlier selection process was not in accordance with law and there was deficiency and it is due to this reason, the said selection process could not be completed as defective and subsequent *margdarshika* has come. Therefore, by virtue of the earlier defective selection process, selection of the petitioner



could not be made. Counsel further submits that the Memo No.538 dated 26.02.2016 issued by the Director, ICDS on which petitioner has made reliance and shown in the pleading and attached as Annexure-4 is basically not present in the writ petition itself. Counsel for the State submits that in similar circumstance, writ petition bearing Civil Writ Jurisdiction Case No.2325 of 2018 in case of Rani Kumari Vs. The State of Bihar & Ors. was dismissed *vide* order dated 03.10.2023 in which paragraph nos.5, 6 & 7 are relevant which states as follows:-

*“5. Counsel further submits that under Clause 8 /8.20, it has also been mentioned that due to any reason, if appointment could not be completed in one year then District Magistrate can extend the said appointment for one month only otherwise the validity of said advertisement shall be for one year. The respondent has taken the stand that in the present case, Patna High Court in CWJC No.2325 of 2018(4) dt.03-10-2023 one year has already been completed as the advertisement relating to present petitioner was published in August, 2015, provisional merit list was also prepared and Aam Sabha was not*



*convened. As such, the merit list was also not final. After lapse of one year, fresh advertisement was published in the month of December, 2017, merit list was prepared, Aam Sabha was convened on 16.07.2018 and selection of Aaganwadi Sevika was issued on 15.01.2019 as per the guideline.*

*6. In the light of the submissions made by the parties, it transpires to this Court that the present writ petition has become infructuous in the light of new guideline as one year has already been lapsed for the petitioner and the list published could not be approved from the Aam Sabha and the fresh appointment has also been made.*

*7. In this view of the matter, the present writ petition stands dismissed.”*

5. Upon verification of the record, it comes to the knowledge of this Court that the said Memo No.538 dated 26.02.2016 issued by the Director, ICDS as alleged in the pleading has not been attached in the writ petition, but in the pleading, it has been shown that it is attached as Annexure-4.

6. It transpires to this Court that it is a defective pleading and definitely by virtue of defective pleading, no relief



shall be granted to the petitioner.

7. In this view of the matter and particularly, in the light of the submissions made by both the parties, this Court finds that the present writ petition is infructuous as well as not maintainable due to the reason that petitioner has opted to appear in the fresh selection process. Hence, the present writ petition stands dismissed.

**(Dr. Anshuman, J)**

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