

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 9983 of 2024

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Anita Kumari wife of Shailesh Kumar Gupta, resident of Village and Post-SaraiBaksh, Police Station-Bheldi, District-Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Patna.
2. The Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
3. The Collector cum District Magistrate, Saran.
4. The District Programme Officer, Social Welfare Department, Saran.
5. The Child Development Project Officer, Amnaur, Saran.
6. The Mukhiya of Gram Panchayat Raj, Raipura, Amnaur, Saran.
7. The Ward Member, Ward No. 15, Gram Panchayat Raj, Raipura, Amnaur, Saran.
8. The Panchayat Secretary, Gram Panchayat Raj, Raipura, Amnaur, Saran.
9. Smt. Sarita Kumari, the then Lady Supervisor, Child Development Project Amnaur Block, Saran at presently Lady Supervisor, Baniapur Block, Saran.
10. The Lady Supervisor, Child Development Project, Amnaur Block, Saran.
11. Sudha Kumari, W/o Bindhyachal Kumar Singh, resident of Village and Post-Sarai Baksh, Block-Amnaur, Police Station-Bheldi, Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gyan Prakash, Adv. Ms. Parul Priya, Adv.
For the Respondent/s	:	Mr. Madanyal Kumar, GP-20

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-07-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ application has been filed for the
following relief(s):-

*(i) For issuance of appropriate writ (s)/
order(s)/ direction(s) for quashing the order*



dated 22.07.2023 passed by the District Programme Officer, Saran in Anganwadi Case No. 07 of 2023, as contained in Memo No. 1494 dated 22.07.2023 (Annexure-P7) cancelling the petitioner's selection as Anganwadi Sevika in the year 2021 on erroneous consideration that while the Mapping Panji was prepared in the year 2018 name of 134 persons/ beneficiaries of General Category and name of 37 persons/ beneficiaries of Extreme Backward Class category could not be included in the concern Mapping Panji and on inclusion of their name in Mapping Panji the class Plurality changes from Extreme Backward Class to General Category. Though while exercising such belated action in 2023 names of many persons/ beneficiaries of General category have been included who are inhabitant of other wards and other Anganwadi Centre, have already been died, married to beneficiary of area of other Anganwadi Centre and not the beneficiaries of Anganwadi Centre number 247 of Ward No.15 of Gram Panchayat Raipura, Amnaur, Saran.

(ii) For holding that when Mapping Panji for Anganwadi Centre No.15 has duly prepared in 2018, objection invited, thereafter, finalized in 2018 where plurality of population was of Extreme Backward



Class and petitioner being highest marks hold of this class was selected in Aam Sabha, the authorities ought not have to interfered with the Mapping Panji of 2018 in the year 2023, moreso even respondent no. 11 never objected the Mapping Panji of 2018.

(iii) For holding that there was no laches in the selection of petitioner as Anganwadi Sevika for Anganwadi Centre Number-247 as the Mapping Panji was duly prepared by the concern authorities in accordance with law, she had the highest marks holder of the class of plurality, Aam Sabha was conducted by the concern authorities in presence of the beneficiaries including respondent no. 11.

(iv) For holding that findings of the District Programme Officer, Saran in against the factual matrix of this case, even the lady Supervisor who had participated in preparation of Mapping Panji has reported on show cause that the same was prepared in accordance with law well in the knowledge of the concern beneficiaries.

(v) For holding that the petitioner is entitled to continue as Anganwadi Sevika in Anganwadi Centre No. 247 of Amnaur Block, Saran.

3. Learned counsel for the State has raised preliminary objection and submits that the appointment of the



petitioner took place in the light of the Anganwadi Sevika/Sahayika Selection Guideline, 2019 and under the said guideline, the Appellate Authority is a Divisional Commissioner and the petitioner has no option but to move before the Divisional Commissioner.

4. In this view of the matter, the present writ application stands disposed of directing the petitioner to avail the statutory remedy under the Anganwadi Sevika/Sahayika Selection Guideline, 2019.

5. The petitioner shall be at liberty to raise each and every points which has been raised in the writ petition before the Revisional Authority and he is directed to consider all her points which she has mentioned in the writ petition.

6. It is made clear, if there is any delay in filing the revision petition, it is directed to be condoned.

7. If it goes without saying that he shall pass reasoned and speaking order within 90 days from the date of completion of appearance of the parties.

(Dr. Anshuman, J)

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