

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10581 of 2024

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Sahiba Khatoon W/o Mumtaj Alam, Resident of Village- Jamo Bazar. P.O-
Jamo Bazar, P.S- Jamo Bazar, District-Siwan, Bihar 841413

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The Director, Integrated Child Development Scheme (I.C.D.S). Social Welfare Department, Govt. of Bihar, Patna.
4. The Divisional Commissioner, Saran Division at Chapra
5. The District Magistrate, Siwan.
6. The District Programme Officer, Integrated Child Development Scheme (I.C.D.S). Siwan
7. The Child Development Project Officer, GoreiaKhoti. District Siwan
8. Punam Devi W/o Krishna Prasad R/o Village Gamo, Goreya Kothi, District -Siwan

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mukesh Kant, Advocate
		Mr. Ashish Anand, Advocate
For the Respondent/s	:	Mr. Standing Counsel 15

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL JUDGMENT

Date : 23-07-2024

The petitioner has filed the instant writ petition,
praying for following reliefs:-

“(i) To issuance of a writ in the nature of certiorari to quash the order dated 01.04.2024 in Aanganwadi Appeal no.14/2020 of the Divisional Commissioner, Saran Division, Chapra whereby and where under the order dated 29.06.2019 of District Programme Officer siwan has been set aside and appointment of the petitioner as Aanganwadi



sevika of ward no.06 of Gram Panchayat Raj Jamo, Goreya Kothi, Siwan has been canceled.

(ii) To issue a writ in the nature of mandamus commanding the respondents to reinstate the petitioner on the post of Anganwadi Sevika with all consequential benefits.

(iii) For any other relief/reliefs if petitioner found entitle in the facts and circumstances stated hereunder.”

2. The case of the petitioner, in short, is that she applied for her appointment as an *Anganwadi Sevika* of a new Anganwadi Center of Ward No. 06, Gram Panchayat Raj Jamo, Goreya Kothi, Siwan. For the said post in all four candidates submitted their application, two of them belongs to Other Backward Classes (OBC) and remaining of the two candidates were of Extremely Backward Classes (EBC) category. In the Meeting of the *Aam Sabha*, it was decided that the post would be filled up by OBC candidates. Accordingly, respondent no. 08 was appointed. The petitioner filed a complaint before the District Programme Officer, Siwan, and challenged the appointment of respondent no. 08. The DPO adjudicated the matter and came to a finding that the said post was exclusively reserved for EBC candidates, therefore, the petitioner was directed to be appointed as *Anganwadi Sevika*. The respondent with filing any appeal before the District Magistrate and Collector, Siwan straightaway approached this Court in CWJC



No. 20909 of 2019 and this Court while disposing of the said writ petition *vide* order dated 25th November 2019, directed the respondent no. 08 to file a revision/appeal before the concerned Divisional Commissioner. The concerned Divisional Commissioner passed an order directing the DPO to initiate fresh appointment process for the appointment of *Anganwadi Sevika* from EBC category.

3. The petitioner challenged the said order on the ground that she belongs to EBC category and she was initially under the zone of selection but, for appointment of OBC category candidate here, she was not appointed to the post of *Anganwadi Sevika*. The District Programme Officer, found that the petitioner is an EBC candidate and thus, he directed her appointment. Therefore, fresh appointment procedure is not at all necessary. Moreover, it is submitted by the learned Advocate for the petitioner that the Divisional Commissioner is not the appropriate authority to dispose of any revision or appeal against the order of the DPO, therefore, the impugned order is inherently bad.

4. Having heard the learned Advocates appearing on behalf of the parties and on perusals of the entire materials on record, this Court is of the view that the District Magistrate-cum-Collector, Siwan is the appropriate authority to take decision in the



instant matter. If the petitioner is found to be a member EBC category and he possess all other qualifications for her appointment as *Anganwadi Sevika*, the District Magistrate shall pass order of appointment in favor of the petitioner.

5. Otherwise, the District Magistrate shall pass any further order/orders as he deems fit in accordance with law.

6. The instant writ petition is accordingly, disposed of.

(Bibek Chaudhuri, J)

Suraj Dubey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.07.2024
Transmission Date	24.07.2024

