

Asha Kumari wife of Birbal Kumar resident of Village and P.O. Kariho, P.S. and District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar, Patna.
2. The Director, Integrated Child Development Scheme I.C.D.S.J., Bihar, Patna.
3. The Commissioner, Koshi Division, Saharsa.
4. The District Officer-cum- District Magistrate-cum- District Collector, Supaul.
5. The District Programme Officer (I.C.D.S.), Supaul.
6. The Child Development Project Officer (C.D.P.O.), District- Supaul.
7. The Female Supervisor in- Charge of Kariho Gram Panchayat, P.S. and District- Supaul.
8. The Selection Committee of Anganwari Sewika for Ward No. 5, Gram Panchayat- Kariho, P.S. and District- Supaul.
9. Kiran Kumari @ Meena Kumari wife of Sri Mithlesh Kumar Mandal resident of Ward No. 5, Gram Panchayat- Kariho, P.S. and District- Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, Adv.
For the Respondent/s : Mr. S.K.Mandal (SC- 3)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 07-10-2024 Heard Learned Counsel for the petitioner and
Learned Counsel for the State.

2. The present Writ Petition has been filed for the following relief/s:-

(i) To issue a writ in the nature of certiorari setting aside order dated 03.12.2018 passed in case no. 6 of 2018 (A-3) passed by District



Programme Officer, ICDS whereby and where under he was pleased to dismiss the Anganwari Case of petitioner challenging selection of Kiran Kumari on the ground that she is not Kiran Kumari rather Meena Devi and also appellate order dated 29.04.2019 passed by District Officer-cum-District Magistrate, Supaul in Anganwari Case no. 11/18 whereby and where under he was pleased to affirm the order dated 03.12.2018 passed by District Programme Officer ICDS, Supaul.

(ii) To issue a writ in the nature of mandamus commanding and directing the Respondent selection Committee to make selection on the basis of merit list dated 09.09.2018 in Anganwari Centre No. 346, Gram Panchayat-Kariho, P.S. and District-Supaul.

3. Learned Counsel for the petitioner submits that the appointment of private respondent has been made wrongly by committing fraud as her real name is Meena Kumari but obtaining the certificate of one Kiran Kumari, she took appointment and she is entirely engaged in forgery during the appointment process.



4. Learned Counsel for the State submits that it is a disputed question of fact that whether Kiran Kumari @ Meena Kumari is Wife of Mithlesh Kumar Mandal or not and whether Kiran Kumar @ Meena Kumari are one and the same person or different person.

5. In the present facts and circumstances, this Court is of the firm view that a disputed question involved in the present matter cannot be decided in this jurisdiction. Therefore, the Writ Petition stands disposed off granting liberty to the petitioner to challenge the same before the competent Civil Court and upon finality of the decision she shall be at liberty to produce the said judgment and decree before the competent authority who shall take a decision in accordance with law.

(Dr. Anshuman, J.)

Aman Kumar/-

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