

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12819 of 2024

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Roushan Khatoon Wife of Md. Rajuuddin Resident of Ward No.08, Naya Tola
Basatpur Post-Badhagav, Thana-Karja, Block-Bhadwan, District-
Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Director Integrated Child Development Services,
Bihar, Patna.
2. Director, Integrated Child Development Services, Bihar, Patna.
3. District Magistrate, Muzaffarpur
4. District Programme Officer, Collectorate, Muzaffarpur.
5. Child Development Project Officer, Madhuvan, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Dular Sah, Adv.
For the Respondent/s : Mr. Gyan Prakash Ojha, GA-7

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-08-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ application has been filed
directing the respondents-authorities to appoint the petitioner
against the post of Anganwadi Sevika with respect to Centre No.
139 under District-Muzaffarpur on the ground that she fulfills
all the required criteria for the post of Anganwadi Sevika in
Centre No. 139 and the service of one Vibha Kumari has been
cancelled by the District Programme Officer, Muzaffarpur.

3. Learned counsel for the petitioner submits that
there are two orders; first order has been passed on 27.06.2018



by the District Programme Officer, Muzaffarpur and the second order is order dated 24.02.2023 passed in Anganwadi Appeal No. 66 of 2018-19 in which the appointment of appellant of Anganwadi Appeal has been found illegal but no appointment for the petitioner has been made in the said order, which is absolutely in violation of the law established.

4. Learned counsel for the State, on the other hand, submits that the order of District Programme Officer, Muzaffarpur dated 27.06.2018 is very much clear, in which the District Programme Officer has categorically found that there was illegality in the selection process and, therefore, fresh selection was decided to be taken. In the order-sheet, the District Programme Officer has acknowledged that whosoever be aggrieved by the said order, may prefer appeal. But from the said decision of the District Programme Officer, the petitioner has not opted to prefer appeal and sat over the matter, whereas the removed employ Vibha Kumari was opted to prefer appeal, which was dismissed and hence, he submits that the petitioner has no cause of action and only option left to her to appear in the fresh selection appointment.

5. In the light of the submissions made, it becomes crystal clear that the order of District Programme Officer,



Muzaffarpur was clear, in which option was provided to the petitioner as well as to the other aggrieved person but the other aggrieved person has preferred appeal and petitioner has not opted to prefer appeal for the decision of selection process to be illegal and in the appeal, the order of District Programme Officer, Muzaffarpur was affirmed.

6. As such, this Court finds that there is no illegality in the order passed by the District Programme Officer, Muzaffarpur and the petitioner has no choice but to appear in the fresh selection process.

7. In this view of the matter, the present writ application stands dismissed.

(Dr. Anshuman, J)

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