

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13392 of 2024**

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Meena Kumari W/o Mahesh Kumar, resident of Village-Jaipur, P.S.-Kaler,  
District-Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary of Social Welfare Department Patna (Bihar).
2. The Divisional Commissioner, Gaya.
3. The Collector Arwal.
4. The District Program Officer, Arwal.
5. The Child Development Project Officer, Kalar, District-Arwal.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar, Advocate  
For the Respondent/s : Mr. Standing Counsel (22)

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL JUDGMENT**

**Date : 05-09-2024**

Heard Mr. Sanjay Kumar, learned counsel  
  
appearing on behalf of the petitioner and learned SC-22  
  
appearing on behalf of the respondents.

2. The petitioner in paragraph no. 1 of the present writ  
  
petition has sought *inter alia* following relief(s), which is  
  
reproduced hereinafter:

*" That this is an application for issuance of writ in  
the nature of Mandamus/ Any other appropriate writ, order or  
direction commanding upon the respondents to complete the  
selection process for the post of Anganwari Sewika of Jaipur  
Panchayat, Ward No.5 Circle Kaler, District- Arwal pursuant to  
Advertisement no. 1/2019 after making necessary correction in  
the Mapping Panji and determining that the Anganwari Centre in  
question is mostly populated of Economically Backward Class  
Category and to hold that the Anganwari Centre is not mostly  
populated General category."*



3. Mr. Sanjay Kumar, learned counsel appearing on behalf of the petitioner, at the outset, submitted that though the petitioner will not interfered into the legality or illegality, as to whether, she is entitled for being selected as "*Anganwari Sewika*" being Economically Backward Class of Cast '*Kumhar*' and as per the presidential declaration in accordance with Article-347. She becomes entitled for being appointed as "*Anganwari Sewika*" in respect of Ward No. 5, Jaipur Grampanchayat, Block-Kaler, District- Arwal, where the population of Economically Backward Class, particularly, '*Kumhar*' Cast is more than the General Category. Learned counsel, in these backgrounds, submitted that the said fact is required to be considered by the higher authorities including the Principal Secretary, Social Welfare Department, who is required to dispose of the appeal filed on behalf of the petitioner in accordance with law considering the report of the Census.

4. This Court is constrained to direct any authority in light of the law laid down by the Apex Court in case of ***State of Karnataka & Ors. vs. Ammerbi & Ors.*** reported in (2007) 11 SCC 681, however, the right to considered to be appointed as enshrined in the Constitution of India under Article-21, the petitioner has made out a case on the ground that in respect of



the conflicting decision of the State Authorities, one being the Child Development Project Officer (C.D.P.O.) and the other is Circle Officer, Kaler, who, as a result of clash of their ego, have defeated the right of the petitioner, which is unwarranted.

5. The petitioner, at this stage, informs that he has a copy of Cast Census of the block concerned and he wants the same to be verified on the basis of the records made published in the Gazette notification in respect of the Census of the year 2011.

6. Accordingly, the present writ petition is disposed of.

**(Purnendu Singh, J)**

Niraj/-

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