

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16201 of 2023**

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Razia Khatoon @ Rajiya Khatoon Wife of Afjal Ansari Resident of Village Binwaliya, Ward No. 04, Post Office Mahuawa, Police Station-Sikarpur, District - West Champaran, Bettiah.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary-cum- the Additional Chief Secretary, Social Welfare Department, Government of Bihar, Patna,
3. The Director, Integrated Child Development Scheme (I.C.D.S.), Social Welfare Department, Government of Bihar, Patna.
4. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
5. The District Programme Officer, Integrated Child Development Scheme (ICDS), West Champaran at Bettiah.
6. The Child Development Project Officer, Narkatiyaganj, District-West Champaran at Bettiah.
7. The Lady Supervisor, Narkatiyaganj, District-West- Champaran at Bettiah.
8. The Ward Member of Ward No. 4 -cum- the Chairman of Selection of Aanganbadi Sevika, Gram Panchayat Raj Binwaliya, Anchal - Narkatiyaganj, District- West Champaran at Bettiah.
9. Shadab Anjum Wife of Gani Ansari Resident of Village - Binwaliya, Ward No. 04, Post Office Mahuawa, Police Station-Sikarpur, District - West Champaran, Bettiah.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Umesh Kumar Mishra, Adv.  
For the Respondent/s : Mrs.Kumari Amrita, GP-3  
Mr.Mirtyunjay Kumar, AC to GP-3

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      22-04-2024                      1. The present writ petition has been filed seeking the following relief(s):-

*“1.I. For issuance of an appropriate writ in the nature of certiorari for quashing the order dated 05.09.2023 passed by the Commissioner, Tirhut Division, Muzaffarpur in ICDS Case No. 140/2022*



*(Shadab Anjum vs. the District Programme Officer, West Champaran, Bettiah and Others), by which, he has set aside the order passed by the District Programme Officer, West Champaran, Bettiah dated 10.06.2022 passed in Appeal Case No. 01/2022 (Razia Khatoon vs. the State of Bihar through the Child Development Project Officer, Narkatiyaganj West Champaran, Bettiah), by which, the services of the private respondent no. 10 was cancelled and in her place the petitioner was directed to be selected / appointed as Aanganwadi Sevika at Centre No. 304, Ward No. 04, Gram Panchayat Raj Binwaliya, Anchal Narkatiyaganj, District West Champaran at Bettiah. The aforesaid order of the Commissioner, Tirhut Division, Muzaffarpur is arbitrary and not sustainable in the eyes of law as he has not considered the fact that the petitioner has raised the genuine objection with regard to illegal selection of private respondent no. 10 on the basis of the handwritten caste certificate issued by the Mukhiya and the District Programme Officer, ICDS, West Champaran, Bettiah after considering the entire facts and circumstances had passed the order in favour of the petitioner and so far as the error in application of the petitioner is concerned, the petitioner has submitted his representation before the Child Development Project Officer along with the copy of his caste certificate showing her to be of EBC(F) category and the said fact has also been considered by the District Programme Officer, West*



*Champaran, Bettiah and after considering all the facts as well as the directions of the department, he has cancelled the selection of private respondent no. 09 and on her place has directed for selection / appointment of petitioner and the said order did not require any interference but the learned Commissioner, Tirhut Division, Muzaffarpur did not consider the said fact and only on the ground that he is not intended to give benefit to any candidate, has set aside the order of the District Programme Officer, West Champaran, Bettiah.*

*II. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to allow the petitioner to continue as Aanganwadi Sevika at Centre No. 304, Ward No. 04, Gram Panchayat Raj Binwaliya, Anchal - Narkatiyaganj, District -West Champaran at Bettiah, as she is the genuine candidate and entitled to be continued on the said post.*

*III. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities to not make any hindrance in proper functioning of the petitioner as Aanganwadi Sevika in the aforesaid ward, as she rightly been appointed as per the direction of the District Programme Officer, West Champaran, Bettiah after considering the entire facts and circumstances.*

*IV. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the*



*respondent authorities concerned to redress the genuine grievance of the petitioner for her continuance as Aanganwadi Sevika at Centre No. 304, Ward No. 04, Gram Panchayat Raj Binwaliya, Anchal Narkatiyaganj, District- West Champaran at Bettiah.”*

2. At the outset, the learned counsel for the petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to avail such other alternative remedies as are otherwise available under the law, including that of filing a suit before the learned Civil Court having competent jurisdiction for redressal of her aforesaid grievances. Liberty so sought is granted.

3. The writ petition stands disposed off as not pressed.

**(Mohit Kumar Shah, J)**

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