

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3251 of 2025

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Soni Devi @ Soni Kumari Wife of Birju Mahto, resident of Village- Anandi Pathak Ka Tola, P.O.-Mushahari Form, P.S.- Mushahari, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Bihar, Patna.
2. The Director Integrated Child Development Services, Bihar, Patna.
3. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
4. The District Magistrate, Muzaffarpur.
5. The District Programme Officer, Muzaffarpur.
6. The District Welfare Officer, Muzaffarpur.
7. The Child Development Project Officer, Mushahari (Rural), District- Muzaffarpur.
8. The Lady Supervisor C.D.P.O. Officer, Mushahari Rural District- Muzaffarpur.
9. Resham Devi, Wife of Amar Nath Mahto, resident of Village- Mushahari alias Radha Nagar, P.S.- Mushahari, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Adv.
For the Respondent/s : Mr. Jitendra Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

Date : 24-02-2025

Heard the parties.

2. The petitioner is aggrieved with the order dated 22.08.2024 passed by the learned Divisional Commissioner, Tirhut Division, Muzaffarpur passed in ICDS Revision Case No. 283 of 2023, whereby the revision case has been allowed in favour of the private respondent no. 9; The petitioner also sought quashing of the consequential order of the Child



Development Project Officer (hereinafter referred to as “CDPO”), whereby the petitioner has been terminated from the post of Anganwadi Sahayika in the light of the aforementioned revisional order.

3. Learned Advocate for the petitioner referring to the materials available on record submitted that in pursuant to an advertisement published under the Anganwadi Sevika/Sahayika Guidelines, 2019 the petitioner along with others submitted their application for the post of Anganwadi Sahayika. A meeting of Aam Sabha was held on 07.11.2019, however, it was postponed due to some reasons, as mentioned in the writ petition. The second meeting of Aam Sabha was held on 14.11.2019 and the petitioner was unanimously selected to the post of Anganwadi Sahayika. The second meeting, however, was also came to be postponed due to interference of the husband of one Sevika.

4. The CDPO, Mushahari on account of the aforesaid fact, cancelled the earlier advertisement for selection to the post of Sahayika and issued a fresh advertisement vide Memo No. 114 dated 18.01.2021. Against the fresh advertisement, two candidates applied for selection to the post of Sahayika in Centre No. 250. The petitioner and the private respondent no. 9, who belong to Extremely Backward Class (EBC) applied for the



post of Sahayika. It is the contention of the petitioner that the private respondent, whose name appeared at serial no. 1 in the merit list, has provided information in her online application, especially in Clause-8 thereof, and admitted that she has been convicted by the Court. Despite the aforesaid facts, the private respondent no. 9 was selected in the meeting of Aam Sabha in complete violation of the guidelines.

5. The petitioner on being aggrieved approached before the CDPO, Mushahari by filing Case No. 01 of 2024. On being found the contention of the petitioner substantiated, the selection of the private respondent no. 9 stood cancelled. Notwithstanding the cancellation of the selection of private respondent no. 9, and despite the petitioner being a suitable and eligible candidate to be selected to the post, in question, when she has not been allowed such post, the petitioner preferred Appeal Case No. 08 of 2023, which finally came to be allowed in favour of the petitioner and direction was issued to the CDPO, Mushahari to issue selection letter to the petitioner vide order as contained in Memo No. 1787 dated 26.06.2023. It is this order, which was questioned before the Divisional Commissioner in ICDS Revision Case No. 283 of 2023, by the private respondent.



6. Learned Advocate for the petitioner contended that the Divisional Commissioner has failed to consider that the information provided by the private respondent no. 9, in Clause-8 of the application form that she has been convicted by the Court, but conversely he treated it to be a clerical mistake, and thus allowed the revision application by setting-aside the order of the District Programme Officer, Muzaffarpur. The learned Advocate further urged that apart from complete violation of the prescriptions of the guidelines, 2019, the respondent no. 9 was not the candidate for the first advertisement and she has submitted her application in the subsequent advertisement and for this reason also, her candidature was not required to be considered. It is also contended that once the respondent herself admitted that she has been convicted from the Court, in no circumstances, her fresh application or any affidavit is required to be considered.

7. On the other hand, learned Advocate for the State referring to the order passed by the Divisional Commissioner has contended that it is the admitted position that the private respondent no. 9 had secured more marks than the petitioner and it was a clerical mistake, which took place at the time of submission of online form and later on, when the enquiry was



conducted, it has been found that the private respondent no. 9 is not facing any criminal case.

8. Having considered the submissions advanced on behalf of the learned Advocate for the respective parties and after going through the impugned order, this Court does not find any error in the impugned order passed by the Divisional Commissioner, Tirhut Division, Muzaffarpur. It is admitted position that there is no material on record to support that the private respondent had/has ever been facing any criminal case, which fact has also been verified by the authorities concerned and, later on, the admission on the part of the petitioner in her On-line form has been found to be a clerical error. It is also the admitted position that the private respondent had secured more marks than the petitioner and thus better suitable candidate to the petitioner; so far the error, which has been occurred by the private respondent at the time of submission of On-line application, that has immediately rectified, when the private respondent came to know the same by filing an affidavit in the Aam Sabha to the effect that she has neither been convicted at any point of time nor any criminal case is pending.

9. Time without number, the Apex Court as well as this Court have held that Anganwadi workers do not hold civil



post, being not statutory post, having created under scheme, inasmuch as they do not carry on any statutory function of the State. The entire selection process and the service conditions of Anganwadi Sevika/Sahayika are being governed under the Guidelines/Schemes issued time to time by the State Government in the Department of Social Welfare and thus what is mostly required to be followed is the principles of natural justice and fair treatment, which in the case in hand, has been followed.

10. In view of the discussions made hereinabove, this Court does not find any reason or occasion to interfere with the impugned order dated 22.08.2024, passed by the Divisional Commissioner, Tirhut Division, Muzaffarpur in ICDS Revision Case No. 283 of 2023.

11. The writ petition stands dismissed.

12. The parties shall bear their own cost.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.02.2025
Transmission Date	NA

