

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6301 of 2025

Radhika Kumari W/o Subhash Sah, Resident of Village-Pipra Naurangiya,
Ward no. 04, Block-Yogapatti, P.S.-Yogapatti, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The Director, ICDS, Bihar, Patna.
4. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
5. The Collector cum District Magistrate, West Champaran at Bettiah.
6. The District Programme Officer, West Champaran at Bettiah.
7. The Child Development Project Officer, Yogapatti Block, Yogapatti, District-West Champaran.
8. Sabina Parween, W/o Afzal Hussain @ Afjal Ansari, Resident of Village-Pipra Naurangiya, Ward no. 04, Block-Yogapatti, P.S.-Yogapatti, District-West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate Md. Dilshad Alam, Advocate Mr. Bharti Rai, Advocate Mr. Sitesh Kashyap, Advocate Mr. Raushan Raj, Advocate
For the Respondent/s	:	Mr. Addl. Advocate General (13)

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-04-2025 Heard the parties.

2. The petitioner is aggrieved with the order dated 27.11.2023 passed by the Divisional Commissioner, Tirhut Division, Muzaffarpur in ICDS Revision Case No. 145/2022 whereby the order dated 16.06.2022 passed by the respondent no. 6 (The District Programme Officer, West Champaran at Bettiah) in Anganbari Sevika/Sahaiyika appeal no. 32/2019



stands upheld. The petitioner also assailed the aforementioned order passed by the District Programme Officer as also the order passed by the CDPO dated 21.10.2019 passed in Anganbari Sevika/Sahaiyika selection case no. 04/2019-20 whereby the complaint of the petitioner came to be rejected.

3. The short matrix of the case is that pursuant to an advertisement published in the year 2019 for selection to the post of Anganbari Sevika of Anganbari center no. 187 corresponding to ward no. 4 under Gram Panchayat Raj Pipra Naurangiya of Yogapatti Block, West Champaran, the petitioner submitted her application under the EBC category, alongwith other eligible candidates.

4. Notwithstanding the fact the respondent no. 8 who submitted a caste certificate duly issued by the Circle Officer, Yogapatti Block, showing her to be a resident of Pipra Pakadi village, as also the name of her husband finds place at serial no. 372 in the voter list of Gram Panchayat Dhum Nagar; and further the name of the private respondent and her husband finds place in the ration card of Dhum Nagar Panchayat, Narkatiyaganj block, the case of the respondent no. 8 was duly considered and finally she was selected against the post of Anganbari Sevika.

5. Aggrieved with the selection of respondent no. 8,



the petitioner immediately rushed to CDPO by filing case no. 04/2019-20, however, it came to be rejected. The aforementioned order was duly assailed before the District Programme Officer, West Champaran at Bettiah in Anganbari Sevika/Sahaiyika Selection Appeal Case No. 32/2019, which also came to be dismissed, against which the petitioner preferred ICDS Revision Case No. 145/2022, but to no succor and it also came to be rejected without considering the facts disclosed hereinabove.

6. Mr. Sanjeev Kumar, learned Advocate for the petitioner while assailing the impugned orders has taken this Court through the impugned orders, as also the caste certificate, as well as voter list and ration card, based upon which he vehemently submitted that *prima facie* it suggest the private respondent no. 8 was the resident of Pipra Pakadi and, as such, in any view of the matter she cannot be said to be an eligible candidate for appointment to the post of Anganbari Sevika, in view of the Guidelines, 2019 issued by the State Government, which governs the selection of the Anganbari Sevika/Sahaiyika.

7. Learned Advocate for the State refuting the aforementioned submissions had submitted that the claim of the petitioner, aforementioned, was duly examined by all the authorities concerned, as also at the level of the CDPO, District Programme Officer and it is found that the caste certificate issued in favour



of the private respondent no. 8, only suggest that her parents are the resident of Pipra Pakadi. So far the private respondent no. 8 is concerned, after solemnization of her marriage with Afzal Hussain @ Afzal Ansari, she came and settled in the Panchayat Raj Pipra Naurangiya, as is evident from the voter list, wherein the name of the private respondent and her husband finds at serial no. 8 and 9 of the Gram Panchayat Raj, Pipra Naurangiya. Further submission has been made that the aforesaid fact also duly substantiated by the private respondent as during the Revisional Case No. 145 of 2022, the husband of the private respondent has produced his passport, wherein the residence of the husband of private respondent was duly mentioned as Gram Panchayat Pipra Naurangiya. The ration card, over which reliance has been placed by the petitioner, has not been taken into account for the simple reason that in the ration card, the name of the private respondent has been mentioned as Sabila Khatoon and moreover, the year and date has not been mentioned, as to when the same was issued.

8. Having heard the learned Advocate for the respective parties at length and after going through all the impugned orders, the Court finds that the objection of the petitioner was duly considered by all the authorities concerned at all the level and on being found that the name of the private



respondent and her husband find at serial no. 8 and 9 in the voter list of Pipra Naurangiya, with their house no. 62, which is the poshak kshetra for the purposes of selection of concerned Anganbari Sevika; as also their name appeared in the Mapping Panji, hence no interference in selection of the private respondent was made. All the more the Divisional Commissioner has rightly observed that mere appearance of name of a candidate in the voter list of the parental place as well as the place, where she settled after the marriage does not disentitle her from selection, unless specifically prohibited under the guidelines.

9. It is trite that while exercising the power of judicial review, the Court cannot sit as an appellate authority and reappreciate the evidence; it is only confined with the decision making process and not the decision itself. This Court does not find any infirmity which *prima facie* requires an interference.

10. The writ petition stands dismissed.

(Harish Kumar, J)

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