

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6205 of 2025

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Sushila Devi Wife of Balindra Yadav, resident of village- Semariya, Ward No. 03, Gram Panchayat Raj- Semariya, P.S - Nautan, District - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Social Welfare, Government of Bihar, Patna.
2. The Director, I.C.D.S., Department of Social Welfare, Government of Bihar, Patna.
3. The Commissioner, Saran Division, Chapra.
4. The District Magistrate-cum-Collector, Siwan.
5. The District Programme Officer, I.C.D.S., District- Siwan.
6. The Child Development Project Officer (C.D.P.O.), Block and P.S. - Nautan, District- Siwan.
7. Veena Devi @ Kumari Veena Ranjan, Wife of Ajay Yadav, resident of village- Semariya, P.S. - Nautan, District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Adv.
For the Respondent/s : Mr. Arvind Ujjwal, SC 4

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 24-04-2025

Heard Learned Counsel for the petitioner and
Learned Counsel for the State.

2. Learned Counsel for the petitioner submits that the
present writ petition has been filed with the following reliefs:-

*“(i) To issue appropriate order/direction
or writ/writs, preferably in nature of Mandamus,
commanding and directing the Respondents
authority concern, in particularly the Respondent
District Magistrate, Siwan to appoint the petitioner
as Anganbari Sevika at Gram Panchayat-*



Semariya, Ward No.03, Block + P.S.- Nautan, District- Siwan by way of passing appropriate order in the Anganbari Appeal Case No. 28/2022-23 in accordance with law; considering that candidature/selection of Private Respondent No.7 who was placed at Sl. No.1 in the merit list on the basis of her forged mark-sheet, has been terminated from service and this petitioner being next candidate in said merit list is entitled to be selected on her place, because the Respondent District Magistrate, Siwan in one hand affirmed the termination of Respondent No.7, dismissing her Anganbari Appeal Case No.17/2022-23 preferred against her termination from service by order dated 20.05.2022 passed by District Programme Officer, Siwan, vide his order dated 05.08.2024, but no any order is passed in her Anganbari Appeal Case No. 28/2022-23 with regard to appointment/selection of this petitioner on her place who was next in said merit list and virtually at Sl. No.1 if the Private Respondent No.7 did not attach her forged mark- sheet showing her marks 456/600 instead of actual marks 240/600.

ii) To issue further writ of mandamus, commanding and directing the Respondent authority concerned to select/appoint this petitioner as Sevika of Anganbari centre in question which is still vacant to run the Anganbari centre in question because no any process of fresh selection has been initiated in pursuant to order



dated 20.05.2022 passed by District Programme Officer, Siwan in Misc. Case No. 153/2019-20 (Sushila Devi Vs Smt. Veena Ranjan @ Veena Devi and others) till date.

(iii) To issue a writ of certiorari, setting aside the part of order dated 20.05.2022 passed by District Programme Officer, Siwan in Misc. Case No. 153/2019-20 (Sushila Devi Vs Smt. Veena Ranjan @ Veena Devi and others) with regard to direction to make fresh selection process of Sevika in the said ward No.3.

3. Counsel for the petitioner submits that the order passed by the District Magistrate is absolutely unnecessary, as before the appellate court, the petitioner has not filed the appeal with a view to set aside the entire process rather only to interfere in the appointment of private respondent, but the District Magistrate crossing his jurisdiction, has decided the case that fresh advertisement shall be made and affirm the order passed by the DPO, which is absolutely bad in law. Therefore, he further submits that the part of the order decided by the District Magistrate be set aside under which entire selection process is directed to be made afresh instead thereof, the petitioner who was figured in Serial No.2, be selected.

4. Counsel for the State submits that the Appellate Authority can look into the entire order and entire proceeding



afresh, and therefore, his order is absolutely in accordance with law and there is no need of any interference.

5. It transpires to this Court that the petitioner has challenged the part order passed by in appeal to affirm its one part about cancellation of appointment of respondent No.7 and set aside the second part relating to afresh appointment and he is contending that the petitioner, who was in the earlier *Aam Sabha* in second number be declared as selected candidate for the said post.

6. The legal position is that any Appellate Authority has to consider the entire case decided by the lower court. Here in the present case, the Collector in appeal has to look into the entire case decided by the DPO. Therefore, it is well within the power of the Collector to look into the entire case. Upon looking into the entire case, the DPO has categorically indicated that the entire selection process was absolutely false and fabricated, due to the reason that prior to *Aam Sabha* for the selection indicated on 05.08.2018, the selection process completed on 04.09.2018 and only on this reason, the selection of respondent No.7 shall be declared void and illegal.

7. As such, this Court is of the firm view that when the selection of *Aam Sabha*, which was already taken back dated



on the basis of selection made by *Aam Sabha* back dated, the selection of respondent No.7 has been cancelled then automatically, every person who has vested in the *Aam Sabha*, cannot be treated as correct, and hence, there is no need of any interference in the order passed by the District Magistrate and the present writ petition is hereby dismissed.

8. However, Respondent Authorities are hereby directed to conduct a fresh appointment process and complete the same within three months.

9. With the aforesaid directions and observations, the present writ application stands dismissed.

(Dr. Anshuman, J.)

Prakashmani/-

AFR/NAFR	
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

