

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14654 of 2013

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Smt. Usha Kumari W/O Sri Ganga Sagar Das Resident Of Village P.O-
Ramjanpur, P.S- Barbigha, District- Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar Department Of Social Welfare, Patna.
2. The Director, Integrated Child Development Department Of Social Welfare,
Patna.
3. The Collector, Sheikhpura.
4. The District Program Officer, Sheikhpura.
5. The Executive Officer, Nagar Panchayat, Barbigha, Sheikhpura.
6. The Child Development Project Officer, Sheikhpura.
7. Bharti Devi W/O Rambriksh Chaudhary Village- Ramjanpur, P.S- Barbigha,
District- Sheikhpura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shankar Dayal Singh, Advocate
For the Respondent/s	:	Mrs. Geeta Kumari, Advocate
		Mr. Parijat Saurav, AC to AAG 13

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 31-10-2025

1. Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has filed the instnat writ application
for quashing the order dated 11.04.2013 passed in Misc.
Case no. 31 of 2011 (Bharti Devi v. State of Bihar & Ors.)
by the Collector, Sheikhpura, whereby the Collector was
pleased to reinstate Bharti Devi (Respondent no.7) as
Anganbari Sevika at the Ramjanpur Harijan Tola of Samas



Bujurga Gram Panchayat in the district of Sheikhpura.

3. The relevant facts, in brief, are that respondent no. 7, who was working as Anganbari Sevika at the Ramjanpur Harijan Tola in the district of Sheikhpura, was terminated on 31.5.2005 which was challenged by her in CWJC no. 8191 of 2005. The said writ application was disposed of by this Court vide order dated 19.5.2011 observing that the allegations levelled against her needed to be enquired properly, especially with regard to the genuineness of the matriculation certificate produced by Bharti Devi on the basis of which she was appointed as Anganbari Sevika.

4. The matter was remanded to the District Magistrate, Sheikhpura for proper enquiry giving notice to Bharti Devi, the Mukhiya of the concerned Gram Panchayat and the CDPO, Barbigaha. This Court further observed that the District Magistrate, Sheikhpura will fix a date for appearance, will make an inquiry with regard to the genuineness of the matriculation certificate and after holding enquiry will pass appropriate orders. In case the matriculation certificate produced by Bharti Devi was found



to be forged or it is found to be a case of impersonation, the District Magistrate may take necessary steps for prosecution of Bharti Devi. It further transpires that pursuant thereto the District Magistrate, Sheikhpura heard Bharti Devi and others in Misc. Case no. 31 of 2011 and by the order impugned dated 11.4.2013 was pleased to order for reinstatement/continuation of the applicant therein ie Bharti Devi on the post of Anganbari Sevika in the Anganbari Kendra Ramjanpur Harijan Tola.

5. Learned counsel for the petitioner submits that consequent to the removal of Bharti Devi, a fresh selection process was proceeded with by the respondents wherein the petitioner applied and was selected as Anganbari Sevika at the same centre. So far as CWJC no. 8191 of 2005 is concerned, the petitioner was not made a party therein nor was she made a party-respondent in Misc. Case no. 31 of 2011 which was heard and decided by the Collector, Sheikhpura by the order impugned dated 11.4.2013 wherein the order of reinstatement of the respondent no.7 has been passed.



6. Learned counsel for the petitioner further submitted that from the contents of the said order, it would transpire that it is a case of impersonation by Bharti Devi and as such in view of the direction of this Court contained in the order dated 19.5.2011 her case should have been rejected and the petitioner permitted to continue as Anganbari Sevika at the Kendra Ramjanpur Harijan Tola. It is submitted that the order dated 11.4.2013 is not sustainable and the same be set aside and the petitioner be restored as Anganbari Sevika in the Kendra Ramjanpur Harijan Tola.

7. The application is opposed by learned counsel for the respondents. Learned counsel for the respondents submits that pursuant to the direction of this Court contained in the order dated 19.5.2011 passed in CWJC no.8191 of 2005 the matter was heard by the Collector, Sheikhpura and by order dated 11.4.2013 not finding the matriculation certificate produced by Bharti Devi to be forged nor it being a case of impersonation she was permitted to continue as Anganbari Sevika, Anganbari Kendra Ramjanpur Harijan Tola.



8. It is further submitted that the petitioner herein was neither a necessary nor required to be heard either in this Court in the aforesaid CWJC no. 8191 of 2005 nor by the District Magistrate. Hence, there is no illegality in the impugned order dated 11.4.2013 and no merit in the instant writ application and as such the same be dismissed.

9. Heard learned counsel for the parties and perused material on records.

10. The relevant facts, in brief, are that the respondent No. 7 Bharti Devi, on her termination from the post of Anganbari Sevika challenged the said order in CWJC no. 8191 of 2005 which was disposed of by order dated 19.5.2011 in the following terms:

“The petitioner has been terminated from the post on account of some allegations made against her candidature. Allegation is that changing her name at different places she was holding/different posts. She was elected as Ward Member in the name of Sunila Devi. She was the Chairman of Poshahar Purchase Committee in the name of Sabita Devi and got selected for the post of Anganwari Sevika in the name of Bharti Devi. The Matriculation certificate which was



produced by the petitioner for being selected to the post of Anganwari Sevika stands in the name of Bharti Devi. All these allegations needs proper enquiry, specially with regard to genuineness of the Matriculation certificate produced by the petitioner at the time of her selection on the post of Anganwari Sevika. All these enquiries can be done at the local level. As such, this matter is being remanded to the District Magistrate, Sheikhpura for holding proper enquiry, giving notice to the petitioner, Mukhiya of the concerned Gram Panchayat and the C.D.P.O., Barbigha. The District Magistrate, Sheikhpua will fix a date for their appearance. He will also make an enquiry with regard to the genuineness of the Matriculation certificate. After holding this enquiry, the orders will be passed by the District Magistrate. In case the Matriculation certificate produced by the petitioner is either found to be forged or it is found to be a case of impersonation, the District Magistrate will take necessary steps for prosecution of the petitioner. The enquiry must be completed within twelve weeks from the date of production/ communication of this order.

This application is disposed of.”

11. On the matter being heard by the Collector vide Case no. 31 of 2011, taking into consideration the fact that it was



Bharti Devi who had been appointed on the post of Anganbari Sevika and it was the same name ie Bharti Devi which was contained in the Letter no. 5908 dated 19.12.2012 of the Bihar School Examination Board, Patna, the Collector, Sheikhpura allowed the said case of Bharti Devi and granting relief directed that Bharti Devi would continue on the post of Anganbari Sevika at the Ramjanpur Harijan Tola.

12. This Court finds no error in the order dated 11.4.2013 of the Collector, Sheikhpura. So far as the question of the petitioner herein not having been made a party either at the time of disposal of CWJC no.8191 of 2005 or passing of the order impugned dated 11.4.2013 in Case no.31 of 2011 by the Collector, Sheikhpura is concerned, in the facts of the case, the petitioner was not a necessary part. Reference may be made to the judgment of the Hon'ble Supreme Court in **Poonam v. State of U.P. & Ors.; (2016) 2 SCC 779.**

13. Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the Court finds no merit in the present writ application



and the same is dismissed.

(Partha Sarthy, J)

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CAV DATE	
Uploading Date	5.11.2025
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