

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2750 of 2017

Nitu Devi wife of Guddu Ram, resident of Village- Mokimpur Banglapur,
PO- Punpun, PS- Parsa Bazar, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, New Secretariat, Patna.
3. The Director, Integrated Child Development Scheme I.C.D.S. Directorate, Bihar, Patna.
4. The District Program Officer, Patna.
5. The District Program Officer, Patna.
6. The Child Development Project Officer, Punpun-cum-Sampatchak, Patna.
7. The Gram Panchayat, Taranpur Kandap, Patna through its Secretary.
8. The Panchayat Secretary, Taranpur Kandap.
9. Nitu Kumari, daughter of Vijay Prasad, resident of Village- Kura Nawada Banglapur, P.S.- Parsa Bazar, District- Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 5123 of 2017

Nitu Devi Wife of Sri Vinod Kumar, Resident of village - Kura Nawada Banglapur, Post Office - Punpun, Police Station - Parsa Bazar, District - Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, New Secretariat, Patna.
2. The Deputy Director, Welfare Department, Patna Division, Patna
3. The District Magistrate, Patna
4. The District Programme officer, Patna
5. The Sub Divisional officer, Patna
6. The Sub Divisional Officer, Masaurhi
7. The C.D.P.O., Punpun, District - Patna
8. The Mukhiya, Gram Panchayat Kandap Taranpur, Post office - Punpun, Police Station Parsa Bazar, Dist
9. Rina Kumari, Wife of Ram Prasad Kumar, Resident of village - Kura Nawada Banglapur, Post Office - Punpun, Police Station - Parsa Bazar, District - Patna

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 2750 of 2017)

For the Petitioner/s : Mr. Sanjay Kumar Verma, Advocate
For the Respondent/s : Mr. Gyan Prakash Ojha (GA-7)



(In Civil Writ Jurisdiction Case No. 5123 of 2017)

For the Petitioner/s : Mr. Suraj Narain Yadav, Advocate

For the Respondent/s : Mr. Sunil Kumar Mandal (SC-3)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

7 22-04-2025 Learned Counsel for the petitioner and Learned Counsel for the State are present in both the cases. Learned Counsel on behalf of private respondent no.9 in CWJC No.2750/2017 is also present.

Re:- CWJC No.2750/2017

Learned Counsel for the petitioner submits that I.A. No.1/2025 has been filed with a prayer to make amendment for quashing of the Aam Sabha proceeding dated 03.03.2020 taken up by the Selection Committee of Kandap, Taranpur Panchayat for appointment of Anganwadi Sevika for Mokimpur centre, Ward No.2, as one Rohini Kumari has been selected for appointment to the post of Anganwadi Sevika. Counsel submits that during pendency of the present writ petition, new development took place and considering the vacancy of Anganwadi Sevika at Anganwadi Centre Mokimpur, Ward No.2 within Kandap Panchayat, the process for selection/appointment taken up despite objection raised by the petitioner, but the petitioner was told that the selection is being done subject to the result of the writ petition and the respondents proceeded to make selection of Anganwadi Sevika of the said centre.



2. Learned Counsel for the petitioner further submits that Aam Sabha was held on 03.03.2020 for making selection of Anganwadi Sevika with rider given that any selection made would be subject to the result of the pending writ petition. In this regard, Counsel submits that statement made in paragraph no.9(i), 9(ii) and 9(iii) of I.A. No.1/2025 be added after paragraph no.17 of the writ petition. And further, paragraph no.18(xi), 18(xii), 18(iii) & 18(iv) made in I.A. No.1/2025 be also added in the writ petition after paragraph no.18(x). And thereafter, three more prayers have been requested to be added.

3. Learned Counsel on behalf of private respondent no.9 submits that the writ petition has been filed with a prayer commanding the respondent to complete the selection procedure commenced in December, 2013 for selection/appointment of Anganwadi Sevika for Anganwadi Centre Mokimpur, Ward No.2 within Kandap Taranpur Gram Panchayat of Patna District. Counsel submits that from the pleadings made in the I.A. No.1/2025 as well as Annexure-P/1, the stand has been taken by Counsel for the petitioner that the selection in the said ward no.2 has already been completed and one Rohini Kumari wife of Amitabh Kumar has been selected for appointment to the post of Anganwadi Sevika. Counsel further submits that from the



pleading made in I.A. No.1/2025 as well as in the copy of Aam Sabha dated 03.03.2020, it become crystal clear that one Rohini Kumari has been appointed for ward no.2 and in this view of the matter, there is no need of any amendment particularly when, by virtue of this proposed amendment and its pleading, this case has become infructuous and hence, this writ petition be dismissed.

4. Upon going through the pleading of I.A. No.1/2025 as well as prayer in the writ petition, it transpires to this Court that the petitioner has filed the writ petition for completion of appointment process on the post of Anganwadi Sevika for ward no.2. According to pleadings made and documents attached, it transpires to this Court that the appointment for ward no.2 has now been completed and according to the margdarshika for appointment of Anganwadi Sevika and Sahayika, any person aggrieved from the said appointment can challenge it before the Statutory Authority assigned under the relevant margdarshika for Anganwadi Sevika and Sahayika.

5. In this view of the matter, this Court after going through the pleading of I.A. No.1/2025 reached on the conclusion that the present CWJC No.2750/2017 has become infructuous.



6. This Court is very conscious that the said appointment was made with result to the decision of the another writ petition i.e. CWJC No.5123 of 2017 and not the present writ petition i.e. CWJC No.2750 of 2017. As, in CWJC No.2750 of 2017, the contest was between the petitioner and private respondent, whereas, in CWJC No.5123 of 2017, the contest is in between respondent no.7 of CWJC No.2750 of 2017 and Rina Kumari who is the selected candidate.

7. Accordingly, the present writ petition i.e. CWJC No.2750 of 2017 is hereby dismissed as having become infructuous granting liberty to the petitioner that in case, she has any grievance from the said appointment, then she may challenge the same before the competent authority assigned under the new statute

Re:- CWJC No.5123/2017

Hearing in this case shall be made on the next appointed date.

2. Put up this case on 06.05.2025.

(Dr. Anshuman, J)

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