

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.295 of 2022

In

Civil Writ Jurisdiction Case No.7223 of 2021

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Kajal Kumari Wife of Sri Mintu Mandal Resident of Village and post Tilak
Tajpur, P.S. Runnisaidpur, District Sitamadhi.

... .. Appellant/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Director, Integrated Child Development Services, Government of Bihar, Patna.
3. The Collector Sitamarhi.
4. The District Programme Officer, I.C.D.S., Sitamarhi.
5. The Child Development Project Officer Runnisaidpur, District- Sitamarhi.
6. The Block Development Officer Runnisaidpur, District- Sitamarhi.
7. Phul Kumari @ Fool Kumari Wife of Sri Binay Kumar Resident of Village and Post Tilak Tajpur, P.S. Runnisaidpur, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Vaidehi Raman Prasad Singh, Advocate
For the Respondent/s : Mr. Gyan Prakash Ojha (Ga7)

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 13-02-2025

Heard Mr. Vaidehi Raman Prasad Singh, learned

Advocate for the appellant and Mr. Gyan Prakash Ojha, GA-

7 for the State.



2. The appellant herein was appointed on the post of Anganwari Sevika in Anganwari Centre No. 455, Ward No. 14, even though she was at Serial No. 7 in the merit list.

3. The respondent no. 7/writ petitioner challenged the appointment of the appellant in her place on the ground that she hailed from EBC category and was not considered only for the reason that the certificate furnished by her did not exactly reflect her caste.

4. She came out successful and the learned Single Judge *vide* order dated 09.05.2022 passed in C.W.J.C. No. 7223 of 2021, directed the authorities to appoint the writ petitioner/Respondent No. 7 on the post and thereafter, undertake caste verification furnished for the post for claiming reservation, giving ample opportunity to her and complete the proceedings within a period of three months from the date of receipt of the order.



5. The order took effect and the respondent no. 7 herein/writ petitioner was appointed on the post of Anganwari Sevika at the concerned centre.

6. The order of the learned Single Judge could have been challenged on the ground that the Court ought not to have directed for the appointment of Respondent No. 7 (writ petitioner) without the verification of the caste certificate.

7. However, since the order has already taken effect, nothing can be done about it.

8. But to the advantage of the appellant, in the verification of the caste of respondent no. 7, it was found that she does not belong to the EBC category, in which category she has been appointed; rather she hails from *Kurmi* caste.

9. This is a fresh cause of action for the appellant herein, who would be well advised to approach the authorities and seek cancellation of her appointment. If that



is not done, it would be open for the appellant to approach this Court again for the needful.

10. With the aforementioned observation, the appeal stands disposed of.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

krishna/sujit

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