

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10806 of 2025

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Nishi Devi @ Nishi Kumari @ Nishi Singh W/o Praveen Kumar Singh, R/o-Datra, Pursauli, PS Isuapur, Distt.-Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Bihar, Patna.
2. The Principal Secretary, Social Welfare Department, Bihar, Patna.
3. The Director, I.C.D.S. Bihar at Patna.
4. The Commissioner, Saran Division, at Chapra.
5. The District Magistrate, Saran at Chapra.
6. The District Programme Officer, Saran at Chapra.
7. The C.D.P.O., Isuapur, Block Isuapur, Distt. Saran.
8. The Lady Supervisor, Isuapur Block, Saran.
9. Smt. Alka Devi, W/o Binit Kumar Singh, R/o-Datra, Pursauli, PS Isuapur, Distt.-Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dewanand Tiwari, Advocate
For the Respondent/s : Mrs. Binita Singh, SC-28

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 17-07-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for the
following reliefs:-

*(i) That the present writ
application is filed for issuance of writ
"CERTIORARI" in nature, setting aside the
order dt. 26/03/2025 passed by Sri Gopal
Meena, Commissioner, Saran Division, at
Chapra, by which the Revision Appeal case*



no. 53/2021 filed by petitioner has been dismissed up holding the order as contained in memo no. 1133 dt. 08/07/2021 passed in Anganwari Appeal case no. 62/2021, passed by first appellate Authority cum District Programme Officer, (ICDS), Saran at Chapra.

(ii) Further to issue writ "CERTIORARI" in nature, setting aside the order as contained in memo no. 1133 dt. 08/07/2021 passed in Anganwari Appeal case no. 62/2021, passed by first appellate Authority cum District Programme Officer, (ICDS), Saran at Chapra by which the order as contained I memo no. 66 dt. 15/02/2024 passed in case no. 01/2021 passed by C.D.P.O., Isuapur, Saran which has been set aside the selection of petitioner and direction was issued to issue selection letter to Alka Devi respondent no. 9.

(iii) To any other relief(s) for which petitioners are entitled for in the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that the petitioner was appointed to the post of Anganbari Sevika in Saran District at Anganbari Centre, Isuapur. Counsel further submits that after the petitioner joined as Anganbari Sevika, private respondent no. 9 filed a case before the CDPO seeking



cancellation of the petitioner's selection, which was dismissed. Thereafter, respondent no. 9 preferred an Anganbari Appeal, which was decided against the petitioner. Subsequently, the petitioner filed an Anganbari Revision before the Commissioner. However, the Commissioner decided the matter on other points that were not raised or contested before the CDPO or the DPO.

4. Learned counsel for the State submits that the point which has been raised that whether petitioner's name was in voter list in the concerned ward or not. He further submits that at the revisional level, the matter relating to ward was not decided and case was decided on another point, i.e., the income of the petitioner or her husband is more than Rs. 12,000/- per month.

5. Upon perusal of the records, it transpires that the Revisional Authority has decided the case on entirely different grounds, which had not been raised before the Original Authority or the Appellate Authority. However, this Hon'ble Court is of the view that the point raised by the Revisional Authority is a legal issue, and a point of law can be raised at any level and at any stage of the proceedings.

6. From the documents available in the Government records of the Regional Transport Authority, Saran Division, it



appears that nine buses are registered in the name of the petitioner's husband, and the income tax return for the year 2018–19 filed in the name of the petitioner reflects a gross total income of Rs. 3,35,552/-.

7. This Court concurs with the decision of the Revisional Authority, which found that nine buses are operating in the name of the petitioner's husband and the income is exorbitant. Accordingly, the Revisional Authority has rightly concluded that the income of the petitioner or her husband exceeds Rs. 12,000/- per month.

8. In view of the above, this Court finds no ground to interfere in the matter, and accordingly, the present writ petition stands dismissed.

(Dr. Anshuman, J.)

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